

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

**KAREN BARKES, individually;
TINA GROSSMAN as next friend of
BRITTANY BARKES; TINA
GROSSMAN as next friend of
ALEXANDRA BARKES; and
KAREN BARKES as administratrix
of the ESTATE OF CHRISTOPHER
BARKES,**

Plaintiffs,

v.

**FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR;
RAPHAEL WILLIAMS;
CERTAIN UNKNOWN INDIVIDUAL
EMPLOYEES OF STATE OF
DELAWARE DEPARTMENT OF
CORRECTION; CERTAIN
UNKNOWN INDIVIDUAL
EMPLOYEES OF FIRST
CORRECTIONAL MEDICAL, INC.,
And STATE OF DELAWARE,
DEPARTMENT OF CORRECTION,**

Defendants.

C. A. No. 06-104-JJF

**APPENDIX TO OPENING BRIEF IN SUPPORT OF
STATE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

STEPHANI J. BALLARD, I.D. #3481
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DATED: October 15, 2007

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IN AND FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, et al.,)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 06-104-JJF
)	
FIRST CORRECTIONAL MEDICAL)	
INC.; et. al.,)	
)	
Defendants.)	

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on October 15, 2007, she caused the attached, *Appendix to Opening Brief in Support of State Defendants' Motion for Summary Judgment*, to be electronically filed with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

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/s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
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Defendants.

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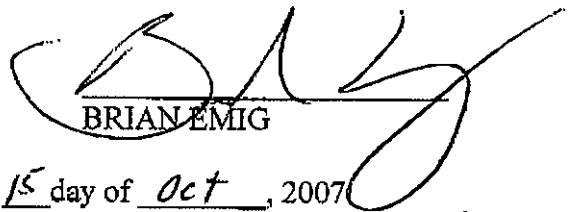
C. A. No. 06-104-JJF

Affidavit of Correctional Officer Brian Emig

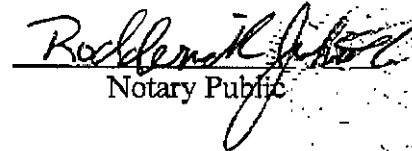
1. I am a Correctional Officer employed by the State of Delaware Department of Correction. I held that position, and was working as a CO at Howard R. Young Correctional Institution in November 2004.
2. On Saturday, November 13, 2004, I was working 8:00 a.m. to 4:00 pm. shift in the Booking and Receiving (B/R) area of the prison. I recall an inmate named Christopher Barkes arriving at the facility to be held on a violation of probation that afternoon. I recall Barkes asking me if he (Barkes) would be going downstate (to the VOP center) and I said yes.
3. Barkes seemed fine, and did not act differently from other inmates. I believe I was the CO who strip searched Barkes. I would have called medical if anything had seemed wrong with this inmate.
4. Barkes was given an intake medical examination by a nurse. He was medically cleared, and then I brought him back to his cell in the B/R area.
5. I also worked the morning shift on Sunday November 14, 2004 in another area of the prison, and I responded to B/R when the medical emergency Code was called. When

I arrived, Barkes was on the floor and medical personnel were doing CPR. I was not involved in the resuscitation efforts.

BE IT REMEMBERED that on this 15th day of October, 2007, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, **BRIAN EMIG**, who, being by me duly sworn according to law did depose and say that the foregoing statement is correct to the best of his knowledge, information and belief.


BRIAN EMIG

SWORN TO AND SUBSCRIBED before me on this 15 day of Oct, 2007


Notary Public

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, et. al.,

Plaintiffs,

v.

**FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR, et. al.**

Defendants.

C. A. No. 06-104-JJF

Affidavit of Correctional Officer Brian Forte

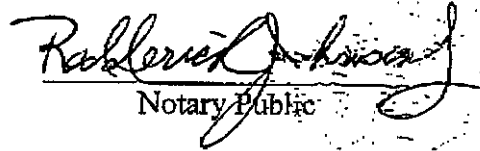
1. I am a Correctional Officer employed by the State of Delaware Department of Correction. I held that position, and was working as a CO at Howard R. Young Correctional Institution in November 2004.
2. On November 13, 2004, I was working 8:00 a.m. to 4:00 pm. shift in the Booking and Receiving area of the prison. I recall an inmate named Christopher Barkes arriving at the facility to be held on a violation of probation that afternoon.
3. Barkes exhibited no unusual behavior during his intake. I remember Barkes as being mild mannered, respectful, and clean cut.
4. Barkes was seen by an FCM nurse for a medical evaluation as part of his intake. The nurses do the medical intake just down the hall from the Booking and Receiving area.
5. If I had observed any unusual behavior by this inmate, I would have alerted the medical staff.

BE IT REMEMBERED that on this 11th day of October, 2007,
personally appeared before me, the Subscriber, a Notary Public for the State and County

aforesaid, **BRIAN FORTE**, who, being by me duly sworn according to law did depose and say that the foregoing statement is correct to the best of his knowledge, information and belief.


BRIAN FORTE

SWORN TO AND SUBSCRIBED before me on this 11 day of Oct, 2007.


Notary Public

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KAREN BARKES, et. al.,

Plaintiffs,

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**FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR, et. al**

Defendants.

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C. A. No. 06-104-JJF

Affidavit of Correctional Officer Kimphus Daniels


1. I am a Correctional Officer employed by the State of Delaware Department of Correction. I held that position, and was working as a CO at Howard R. Young Correctional Institution in November 2004.
2. On November 13-14, 2004, I was working on the overnight shift (midnight to 8:00 a.m.), in the Booking and Receiving area of the prison. I was the lead worker on that shift, and was relieved by CO Sandra Rayne at 0800.
3. An inmate named Christopher Barkes was the only inmate being housed in Booking and Receiving at the time. Barkes was being held on a violation of probation, and was to be transferred to another facility on Monday, November 15, 2004.
4. During the overnight, I recall that I saw Barkes asleep. I noticed nothing at all strange or unusual with Barkes' behavior on that overnight shift. No one else on the shift mentioned anything unusual about him.
5. If I had observed any erratic behavior by this inmate, I would have alerted the medical staff.
6. Barkes was served breakfast before 8:00 a.m.

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BE IT REMEMBERED that on this 11 day of Oct, 2007,
personally appeared before me, the Subscriber, a Notary Public for the State and County
aforesaid, **KIMPHUS DANIELS**, who, being by me duly sworn according to law did
depose and say that the foregoing statement is correct to the best of his knowledge,
information and belief.


KIMPHUS DANIELS

SWORN TO AND SUBSCRIBED before me on this 11 day of Oct, 2007.


Notary Public

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et. al.,

Plaintiffs,

v.

FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR, et. al.

Defendants.

C. A. No. 06-104-JJF

Affidavit of Correctional Officer Denisha Young

1. I am a Correctional Officer employed by the State of Delaware Department of Correction. I held that position, and was working as a CO at Howard R. Young Correctional Institution in November 2004.
2. On November 13-14, 2004, I was working on the overnight shift (midnight to 8:00 a.m.), in the Booking and Receiving (B/R) area of the prison. I recall inmate Christopher Barkes as a VOP. He was being housed in the first cell in the B/R area.
3. I did periodic checks on Barkes on the overnight shift and he seemed fine. I took him breakfast at 6:30 and he ate. I saw nothing at all strange about him, and he did not appear to me to be upset.
4. I stayed on to work overtime on the next shift (November 14, 2004, 0800-1600), but I was not working in B/R. I recall that the prison was locked down after the Code was called.

BE IT REMEMBERED that on this 15th day of October, 2007,
personally appeared before me, the Subscriber, a Notary Public for the State and County
aforesaid, **DENISHA YOUNG**, who, being by me duly sworn according to law did


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depose and say that the foregoing statement is correct to the best of her knowledge,
information and belief.



DENISHA YOUNG

SWORN TO AND SUBSCRIBED before me on this 15 day of Oct, 2007.



Notary Public

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, et. al.,

Plaintiffs,

 \mathbf{y}_t

**FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR, et. al.**

Defendants.

C. A. No. 06-104-JJF

Affidavit of Correctional Officer Sandra Rayne

1. I am a Correctional Officer employed by the State of Delaware Department of Correction. I held that position, and was working as a CO at Howard R. Young Correctional Institution in November 2004.
2. On Sunday, November 14, 2004, I was working 8:00 a.m. to 4:00 pm. shift in the Booking and Receiving (B/R) area of the prison. At approximately 11:35 a.m. CO Martelli yelled "Cpl. Rayne, come here!" I responded to the cell where inmate Christopher Barkes was housed and found him hanging and CO Martelli attempting to get him down. I ran and got the cutters and assisted CO Martelli in cutting down Barkes. A medical emergency Code was called by CO Dorene Fields and medical personnel arrived quickly.
3. Earlier that morning, I had asked Barkes if he wanted to take a shower and he said no. I asked him "are you OK?" and he said yes. In my experience, it was not unusual for an inmate not to want to take a shower.

2. On Sunday, November 14, 2004, I was working 8:00 a.m. to 4:00 pm. shift in the Booking and Receiving (B/R) area of the prison. At approximately 11:35 a.m. CO Martelli yelled "Cpl. Rayne, come here!" I responded to the cell where inmate Christopher Barkes was housed and found him hanging and CO Martelli attempting to get him down. I ran and got the cutters and assisted CO Martelli in cutting down Barkes. A medical emergency Code was called by CO Dorene Fields and medical personnel arrived quickly.

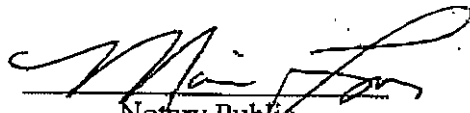
3. Earlier that morning, I had asked Barkes if he wanted to take a shower and he said no. I asked him "are you OK?" and he said yes. In my experience, it was not unusual for an inmate not to want to take a shower.

4. Barkes was sitting or lying down in his cell when I saw him that morning. He did not appear to be depressed, and I did not notice anything about him I considered unusual. If there had been a problem evident, we would have called medical.

BE IT REMEMBERED that on this 11 day of October, 2007, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, **SANDRA RAYNE**, who, being by me duly sworn according to law did depose and say that the foregoing statement is correct to the best of her knowledge, information and belief.


SANDRA RAYNE

SWORN TO AND SUBSCRIBED before me on this 11 day of Oct, 2007.


Notary Public



In the Matter Of:

Barkes, et al.

V.

First Correctional Medical, Inc., et al.

C.A. # 06-104 JJF

Transcript of:

Karen Barkes

September 24, 2007

Wilcox and Fetzer, Ltd.
Phone: 302-655-0477
Fax: 302-655-0497
Email: depos@wilfet.com
Internet: www.wilfet.com

Barkes, et al. v. First Correctional Medical, Inc., et al.

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES,)
individually, et al.,)
)
Plaintiffs,)
)
v.) C.A. No. 06-104 JJF
)
FIRST CORRECTIONAL)
MEDICAL, INC., et al.,)
)
Defendants.)

Deposition of KAREN S. BARKES taken
pursuant to notice at the offices of the Department of
Justice, 820 North French Street, 6th Floor, Wilmington,
Delaware, beginning at 10:05 a.m., on Monday,
September 24, 2007, before Kimberly A. Hurley, Registered
Merit Reporter and Notary Public.

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Barkes, et al. v. First Correctional Medical, Inc., et al.

<p style="text-align: right;">2</p> <p>1 KAREN S. BARKES, 2 the witness herein, having first been 3 duly sworn on oath, was examined and 4 testified as follows: 5 BY MS. BALLARD: 6 Q. Good morning. Is it Barkes? 7 A. Yes. 8 Q. I'm sure your attorney has discussed how a 9 deposition works with you, but just to refresh your 10 memory, I'll be asking you questions. It's an informal 11 process, but the court reporter is taking down everything 12 we say. So it's important that only one of us speak at 13 once. If you answer with a "yes" or "no," do that 14 verbally like "yes," "no," not "uh-huh," because that's 15 hard to understand on the record. 16 Also, if you don't understand one of my 17 questions, let me know. Okay? 18 A. Okay. 19 Q. Just before we get started, I'm sure you 20 discussed this with your attorney, obviously we're going 21 to be covering some areas that are probably going to be 22 difficult with you. Your marriage with Christopher, your 23 recovery issues, yours and his, and I know it won't be 24 easy for you to answer some of these questions, but</p>	<p style="text-align: right;">4</p> <p>1 Q. Where did you go to high school and college if 2 you went? 3 A. I went to John Dickinson, and I went to an 4 adult ed in Washington, D.C. 5 Q. Is that a GED? 6 A. No. I just took classes. 7 Q. College classes? 8 A. No. High school classes. 9 Q. Do you have a high school diploma? 10 A. No. 11 Q. Where are you living right now? 12 A. 200 Garrett Court -- no, Garrett Road. 13 Q. How long have you been there? 14 A. Just under a year. 15 Q. Were you living -- 16 A. 3111 Crystal Court. 17 Q. Before that? 18 A. Yes. 19 Q. What do you do for a living? 20 A. I'm a house cleaner. 21 Q. Do you work for an agency or do you just work 22 on your own? 23 A. On my own. 24 MS. BALLARD: Could we go off the record?</p>
<p style="text-align: right;">3</p> <p>1 because you did file a lawsuit, all these things are at 2 issue, so we have to cover them. Okay? 3 A. Okay. 4 Q. If you need to take a break at any time, just 5 let me know and we will do that. 6 A. All right. 7 Q. Other than your attorney, did you discuss the 8 fact that you were having a deposition with anybody 9 before coming here? 10 A. Yes. My family and friends. 11 Q. What did you discuss with them? 12 A. Just basically that I was coming. 13 Q. Did you talk about areas that we might cover in 14 the deposition, about Chris or yourself? 15 A. No, not really. 16 Q. Did you do anything else to prepare? 17 A. Jeff and I talked. 18 Q. You don't have to talk about whatever you 19 talked about with Jeff. 20 Did you look at any documents at home or 21 anything like that? 22 A. I read over the suit. 23 Q. How old are you? 24 A. Thirty-nine.</p>	<p style="text-align: right;">5</p> <p>1 (Discussion off the record.) 2 BY MS. BALLARD: 3 Q. How long have you been employed as I guess I 4 would say a self-employed house cleaner? 5 A. About 15 years. 6 Q. Do you have any children? 7 A. No. 8 Q. When did you and Chris get married? 9 A. April 5th, 2003. 10 Q. How long did you know Chris before you got 11 married? 12 A. Since we were 18 or 19. 13 Q. How did you meet? 14 A. His first wife's graduation party. 15 Q. Did you all go to high school together? 16 A. No. It was a college graduation. 17 Q. So you were at the party and he was at the 18 party? 19 A. Uh-huh. 20 Q. You didn't know him from going to school 21 together or anything like that? 22 A. No. I knew him from AA meetings, but we met at 23 the party. 24 Q. Did you keep in touch all those years or did</p>

2 (Pages 2 to 5)

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Karen S. Barkes

<p style="text-align: right;">6</p> <p>1 you meet up again later?</p> <p>2 A. On and off I'd see him.</p> <p>3 Q. Were you ever married before you were married</p> <p>4 to Chris?</p> <p>5 A. No.</p> <p>6 Q. Have you been married since?</p> <p>7 A. No.</p> <p>8 Q. Have you lived with anyone since Chris's death?</p> <p>9 A. No.</p> <p>10 Q. Do you keep a diary?</p> <p>11 A. No.</p> <p>12 Q. Do you keep like a date book in which you write</p> <p>13 important events or anything like that?</p> <p>14 A. No.</p> <p>15 Q. Did you in 2003 or 2004?</p> <p>16 A. No.</p> <p>17 Q. Tell me about the last time you talked to Chris</p> <p>18 prior to his death. The very last time.</p> <p>19 A. He called me on the 13th and said he was in</p> <p>20 Gander Hill. He said that he hadn't gotten high, that</p> <p>21 they got him on a probation violation, that he was tired</p> <p>22 of messing up and he's sorry to hurt me and he couldn't</p> <p>23 hurt me anymore and to tell the girls that he loved them.</p> <p>24 Q. And the girls refer to his --</p>	<p style="text-align: right;">8</p> <p>1 we would figure things out when he got out.</p> <p>2 Q. Had he been picked up on a VOP -- you know that</p> <p>3 that means violation of probation?</p> <p>4 A. Yes.</p> <p>5 Q. Had he been picked up on a violation of</p> <p>6 probation before this?</p> <p>7 A. Yes.</p> <p>8 Q. How long before this?</p> <p>9 A. March of 2004.</p> <p>10 Q. Did he have to spend time either in prison or</p> <p>11 in a level 4 facility or was he out on his own?</p> <p>12 A. No. He was at the VOP down in Sussex.</p> <p>13 Q. Was that the 60 days you were referring to?</p> <p>14 A. Maybe it's Georgetown. No. I had known from</p> <p>15 before that probably a violation of probation would be</p> <p>16 60 days at the maximum.</p> <p>17 Q. What did you mean by telling him he could do</p> <p>18 that easily?</p> <p>19 A. Because he did a year and a half -- or two and</p> <p>20 a half years prior.</p> <p>21 Q. In prison?</p> <p>22 A. Yes.</p> <p>23 Q. But the VOP --</p> <p>24 A. He said that he couldn't deal with being in</p>
<p style="text-align: right;">7</p> <p>1 A. Brittany and Allie.</p> <p>2 Q. Who are his daughters from a previous marriage?</p> <p>3 A. Yes.</p> <p>4 Q. Did they live with the two of you?</p> <p>5 A. No.</p> <p>6 Q. I guess you answered this. Did he tell you why</p> <p>7 he had been arrested?</p> <p>8 A. A probation violation.</p> <p>9 Q. Did he say what it was?</p> <p>10 A. No. They would stay weekends with us.</p> <p>11 Q. The girls would?</p> <p>12 A. Yes.</p> <p>13 Q. This was on a weekend, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Were they at your house at the time?</p> <p>16 A. No.</p> <p>17 Q. Is there anything else you remember about the</p> <p>18 conversation? How long was the conversation?</p> <p>19 A. Three minutes.</p> <p>20 Q. Anything else you remember about it?</p> <p>21 A. I was adamant that I wasn't going to say</p> <p>22 anything to the girls, that he should call them himself,</p> <p>23 and I told him that he could do the 60 days violation of</p> <p>24 probation standing on his head and that he should -- that</p>	<p style="text-align: right;">9</p> <p>1 prison again and that he couldn't deal with getting out</p> <p>2 and having to rebuild his life again.</p> <p>3 Q. Did he say that during this November 13th</p> <p>4 conversation or some other time?</p> <p>5 A. Yes. No, that. He told me he was going to</p> <p>6 kill himself.</p> <p>7 Q. He told you during that conversation?</p> <p>8 A. That he wanted to.</p> <p>9 Q. What exactly did he say to you?</p> <p>10 A. He said, "I can't live this way anymore." I</p> <p>11 knew that that meant that he was -- that he wanted to</p> <p>12 kill himself.</p> <p>13 Q. What did you do about that?</p> <p>14 A. I told --</p> <p>15 Q. Did that concern you?</p> <p>16 A. Yes. I told him that he would be fine, he</p> <p>17 could do up to the 60 days and then when he got out, that</p> <p>18 we would work on getting things back together.</p> <p>19 Q. What did he say?</p> <p>20 A. He said he didn't think he could do it and just</p> <p>21 tell the girls that he loved them and that he loved me</p> <p>22 and he was sorry that he hurt me.</p> <p>23 Q. Were you concerned at that point that he</p> <p>24 actually would kill himself?</p>

Barkes, et al. v. First Correctional Medical, Inc., et al.
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<p style="text-align: right;">10</p> <p>1 A. I thought he couldn't kill himself because he 2 was in jail. 3 Q. Do you remember answering some written 4 questions in connection with this case maybe four or five 5 months ago -- 6 A. Yes. 7 Q. -- your attorney sent you? 8 Do you recall being asked what about Chris 9 prior to that incarceration in November of 2004 would 10 have put someone on alert that he was a suicide risk? 11 A. Yes. 12 Q. Isn't it correct that you didn't mention that 13 he told you that he would kill himself in that phone 14 conversation? 15 A. I knew that nobody would know that phone 16 conversation. 17 Q. But isn't that something that you considered 18 certainly an alert that he was a risk to kill himself at 19 that time? 20 A. I don't understand. 21 Q. Well, given the fact that you were asked about 22 signs that Christopher could have been a risk to kill 23 himself, you didn't mention that he actually told you 24 that he wanted to kill himself or something you</p>	<p style="text-align: right;">12</p> <p>1 him. 2 Q. How did you presume that they knew that? 3 A. Because of his record before, his previous 4 suicide attempt in Gander Hill and his history. 5 Q. Prior to that conversation on November 13th, 6 what was the last prior contact you had with Chris before 7 he went into prison, either in person or by phone? 8 A. That morning we had talked. 9 Q. On the phone? 10 A. Uh-huh. 11 MR. MARTIN: Yes? 12 THE WITNESS: Yes. 13 BY MS. BALLARD: 14 Q. And what was the substance of that 15 conversation? 16 A. He was supposed to come over at noon and we 17 were going to have lunch together and do some stuff 18 around the house. 19 Q. Anything else you talked about that morning? 20 A. Nothing remarkable. 21 Q. What time was the last conversation when you 22 told me about before, if you remember? What time of day? 23 A. 6 o'clock. 24 Q. P.m.?</p>
<p style="text-align: right;">11</p> <p>1 interpreted that way the day he went into prison. Is 2 there a reason you didn't mention that? 3 A. To me the previous suicide attempts, the fact 4 that his probation officer knew that he was suicidal and 5 he went in on a probation violation, the fact that he was 6 on medication, the fact that he was a drug addict and 7 alcoholic, those were the factors that... 8 Q. Do you have personal knowledge of exactly what 9 he told the personnel in prison when he got there that 10 day? 11 A. No. 12 Q. Who is his probation officer that you referred 13 to? 14 A. He had just changed probation officers at the 15 1st of November, and I'm unaware of her name. 16 Q. So in November 2004 he had a new probation 17 officer? 18 A. Yes. 19 Q. Did you after having that conversation with 20 Chris call anyone to try to take steps to help him? Did 21 you do anything in response to what he told you? 22 A. No. I hung up the phone and knowing that he 23 was in prison and that they knew the information about 24 him being suicidal, I knew that they would take care of</p>	<p style="text-align: right;">13</p> <p>1 A. Yes. 2 Q. Were you concerned between 12:00 and 6:00 that 3 he hadn't shown up at your house? 4 A. Yes. 5 Q. Did you try to call anybody to find out where 6 he was? 7 A. Yes. 8 Q. Who did you call? 9 A. Aunt Helen. I tried to call his cell phone. 10 Q. I take it you didn't reach Chris by cell? 11 A. No. 12 Q. Did you talk to Aunt Helen? 13 A. Yes. She said that he had left around 12:00 14 and that she hadn't seen him. 15 Q. What's Helen's full name? 16 A. Helen Young. 17 Q. When was the last time you actually saw or 18 spent time with Chris in person before he went into 19 prison on November 13th, 2004? 20 A. Friday evening. 21 Q. So that would be Friday, the 12th? 22 A. Yes. 23 Q. Where did you see him? 24 A. At Aunt Helen's house.</p>

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<p style="text-align: right;">14</p> <p>1 Q. Is it correct he was living with her at that 2 time? 3 A. For a week he stayed there. 4 Q. For a week prior to going into Gander Hill? 5 A. Yes. 6 Q. Why was he staying with her that week? 7 A. They put him on house arrest and so it was 8 unclear if he could stay at our house until the probation 9 officer asked if there was somewhere else that he could 10 stay, and he was staying at Aunt Helen's until they could 11 figure that out. 12 Q. Why wouldn't he have been staying at home? 13 A. There was always a thing if there was a 14 no-contact order. 15 Q. Are you saying there was a no-contact order at 16 that time? 17 A. It was always unclear. 18 Q. Did you think there was a no-contact order of 19 him to have no contact with you at that time? 20 A. No. 21 Q. Was there a no-contact for you to have no 22 contact with him? 23 A. No, there was never a no-contact order. The 24 probation officer would say that we couldn't reside</p>	<p style="text-align: right;">16</p> <p>1 in early November that would have caused that to be put 2 in place? 3 A. No. It was from his prior violation. He went 4 back to court in November. 5 Q. From the March violation? 6 A. I'm unsure. 7 Q. Is it your recollection he had some kind of 8 court appearance in early November 2004? 9 A. Yes. 10 Q. Did a judge issue an order that had to do with 11 whether he could have contact with you or live with you? 12 A. No. 13 Q. Did you ever see anything written that 14 addressed whether he could live with you or not? 15 A. No. 16 Q. Did anybody, other than Chris, tell you he 17 should not be living at the house or anything like that? 18 A. The probation officer. 19 Q. She told you that? 20 A. Yes. 21 Q. You don't recall her name? 22 A. No. 23 Q. How did she tell you that? Did she call you? 24 A. No. I had went with him.</p>
<p style="text-align: right;">15</p> <p>1 together, but the court never said that we couldn't 2 reside together. The judge never said. 3 Q. Were you residing together two weeks prior to 4 his suicide? 5 A. Yes. 6 Q. So why wasn't it a problem at that point? 7 A. Because when he went in to get a different 8 probation officer, they were the ones who had a problem. 9 Q. Do you know why? 10 A. No. 11 Q. You said he was going to come over for lunch. 12 Would that have been a violation of what the probation 13 officer had told him? 14 A. No. 15 Q. Why not? 16 A. Because they said that, even though we didn't 17 have a no-contact order, we couldn't live together. 18 Q. Your understanding is that a probation officer 19 told Chris that he couldn't live with you? 20 A. Yes. 21 Q. Starting in November? 22 A. I want to say it was the Tuesday before he 23 died. 24 Q. Had something happened between the two of you</p>	<p style="text-align: right;">17</p> <p>1 Q. Where? 2 A. To the Plummer Center when he went in to see 3 her for the first time. 4 Q. Is that before or after the court appearance? 5 A. After. 6 Q. So you and Chris sat with the probation officer 7 at the Plummer Center? 8 A. No. 9 Q. I'm not following what happened in November. 10 It's kind of important. So if you can -- 11 A. He went in to sign up with this new probation 12 officer. Then he called me on my cell phone and said, 13 "They're having a problem with us living together," 14 because it being -- the original charge being a domestic 15 dispute. 16 And I said, "Fine. I'll move out." 17 And the woman didn't believe that, so she 18 came out and talked to me at my car and said, "You're the 19 one who's the victim. You don't move out. He needs to 20 find another place to live." 21 And that's when we knew -- I called 22 Aunt Helen and asked her if he could stay there until we 23 could figure out with the judge or with the probation 24 officer if he could come and live at home.</p>

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<p style="text-align: right;">18</p> <p>1 Q. I thought he went to the Plummer Center by 2 himself. Did you go with him? 3 A. He went in by himself. I sat in the car. 4 Q. Then this female probation officer came out and 5 spoke to you? 6 A. Yes. With a man. It was a female and a man 7 came out. 8 Q. Then did you talk to Chris about it afterwards 9 or was he not to have contact with you? 10 A. No. They said that he could have contact. We 11 just couldn't reside in the same house. 12 Q. Did that bother you? 13 A. Yeah. I didn't understand why. 14 Q. So what were you going to do about that? 15 A. Well, he had written a letter to the judge 16 asking if we could reside together and that he figured he 17 would talk to his probation officer the next week, and we 18 were working on other places that he could stay. 19 Q. So at some point -- 20 A. Other options. 21 Q. Is it correct at some point, maybe about a week 22 before he went into Gander Hill on November 13th, he 23 moved into Aunt Helen's house? 24 A. Yes.</p>	<p style="text-align: right;">20</p> <p>1 A. I don't have it. 2 Q. Do you know where it is? 3 A. No. If I had it, I would have given it to you. 4 Q. I'm sorry. We kind of got off track. You said 5 you saw Chris on Friday, the 12th? 6 A. Yes. 7 Q. In person? 8 A. Yes. 9 Q. That was because you went to Aunt Helen's 10 house? 11 A. Yes. 12 Q. Was that just to pay a visit to him? 13 A. Yes. 14 Q. What did you talk about at that time, you and 15 Chris? 16 A. How my day at work went, how things were going 17 with him. 18 Q. Just routine catching up? 19 A. Uh-huh. 20 MR. MARTIN: Yes? 21 THE WITNESS: Yes. 22 BY MS. BALLARD: 23 Q. What was Chris's demeanor? Did he seem okay? 24 Did he seem like himself --</p>
<p style="text-align: right;">19</p> <p>1 Q. What did he take with him? 2 A. Just his clothes. 3 Q. Would it be during that week that you think he 4 wrote a letter to the judge? 5 A. Oh, yes. 6 Q. Did you see the letter? 7 A. Yes. 8 MS. BALLARD: Jeff, have we been given a 9 copy of that letter? Do you know if it's in your 10 production? 11 MR. MARTIN: Can we go off the record? 12 MS. BALLARD: Why do we need to go off the 13 record? It would be responsive to the discovery. 14 MR. MARTIN: If we have it, we certainly 15 have given it to you, Stephani. That's my response. I 16 don't know that I have ever seen it. 17 MS. BALLARD: I don't know that I have ever 18 seen it. That's why I'm asking. 19 BY MS. BALLARD: 20 Q. Do you have a copy of that letter at home? 21 A. No. 22 Q. Did you give it to your attorney? 23 A. No. 24 Q. Where is the letter?</p>	<p style="text-align: right;">21</p> <p>1 A. Yes. 2 Q. -- or anything unusual? 3 A. No. 4 Q. At that point in time, let's say before his 5 arrest, were you under the impression that he was abusing 6 alcohol or drugs? 7 A. No. 8 Q. How long before his death was the last time you 9 knew he was abusing alcohol or drugs? 10 A. I'm unsure. 11 Q. Would it be months or a year? 12 A. His last hospitalization. I'm unsure of when 13 that was. 14 Q. What was that for? What was that 15 hospitalization for, the last one? 16 A. Well, he was in a drug treatment center, but it 17 started out in a psych unit. 18 Q. So he had some emergency psychiatric care and 19 then he went into a drug treatment center? 20 A. Yes. 21 Q. Do you remember what time period he was in the 22 drug treatment center the last time? 23 A. No. 24 Q. I did review medical records in this case, both</p>

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<p style="text-align: right;">22</p> <p>1 some of yours and Chris's, and they make reference to the</p> <p>2 fact that you have both been in recovery for substance</p> <p>3 addiction. Would you agree with that?</p> <p>4 A. Yes.</p> <p>5 Q. How long have you been in recovery?</p> <p>6 A. Since I was 17. 1985.</p> <p>7 Q. What substances did you use at that time?</p> <p>8 A. Pot, alcohol, pills, PCP, LSD.</p> <p>9 Q. Have you had relapses since or have you been</p> <p>10 completely in recovery?</p> <p>11 A. Yes.</p> <p>12 Q. You went into recovery when you were about 18?</p> <p>13 A. Seventeen.</p> <p>14 Q. You have been --</p> <p>15 A. Clean ever since.</p> <p>16 Q. Did you treat medically when you were 17 for</p> <p>17 those conditions or did you go into --</p> <p>18 A. I was in a rehab.</p> <p>19 Q. Do you remember the name of that place?</p> <p>20 A. Straight, Incorporated.</p> <p>21 Q. Was that in Delaware?</p> <p>22 A. No. Springfield, Virginia.</p> <p>23 Q. Since that time when you were 17, have you been</p> <p>24 in counseling for addiction issues or recovery issues?</p>	<p style="text-align: right;">24</p> <p>1 Q. What made you seek treatment at that time?</p> <p>2 A. They suggested it. When Chris was going to see</p> <p>3 his person, they suggested that I come in for counseling.</p> <p>4 Q. Did you have couples counseling?</p> <p>5 A. No. We were going to.</p> <p>6 Q. But for that month you got separate counseling?</p> <p>7 A. Yes.</p> <p>8 Q. And he got separate counseling?</p> <p>9 A. Yes.</p> <p>10 Q. What was he treating for at that time?</p> <p>11 A. Bipolar.</p> <p>12 Q. So he was seeing a psychiatrist?</p> <p>13 A. And a psychologist.</p> <p>14 Q. Do you know what medications he was on, if any?</p> <p>15 A. Effexor, Depakote, Seroquel, and another one I</p> <p>16 can't remember.</p> <p>17 Q. You named Stanley Taylor as a defendant in this</p> <p>18 case. Are you aware that he's a former commissioner of</p> <p>19 the Department of Corrections?</p> <p>20 A. Yes.</p> <p>21 Q. And he's now retired?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever had any personal dealings with</p> <p>24 Commissioner Taylor?</p>
<p style="text-align: right;">23</p> <p>1 A. No.</p> <p>2 Q. But you go to AA?</p> <p>3 A. Yes.</p> <p>4 Q. In 2004 prior to Chris's death, were you being</p> <p>5 treated for depression or any other mental health</p> <p>6 conditions?</p> <p>7 A. I had just started going to see the</p> <p>8 counselor -- one of the counselors that was in the group</p> <p>9 that Chris was going to, and they started me on an</p> <p>10 antidepressant, but...</p> <p>11 Q. What group was that?</p> <p>12 A. Kalkstein Associates.</p> <p>13 Q. Do you remember the name of your counselor?</p> <p>14 A. No.</p> <p>15 Q. You got an antidepressant?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember the name of that?</p> <p>18 A. Wellbutrin.</p> <p>19 Q. How long did you take that?</p> <p>20 A. I'm going to say a couple months.</p> <p>21 Q. Actually, I'm sorry, when did you start with</p> <p>22 Kalkstein Associates? When did you start treating with</p> <p>23 them?</p> <p>24 A. Maybe a month before his death.</p>	<p style="text-align: right;">25</p> <p>1 A. No.</p> <p>2 Q. To your knowledge, did Chris ever have any</p> <p>3 personal dealings with him?</p> <p>4 A. No.</p> <p>5 Q. Are you aware that Raphael Williams was and is</p> <p>6 the warden of Howard Young Correctional Institution,</p> <p>7 which we're also calling Gander Hill?</p> <p>8 A. Yes.</p> <p>9 Q. Have you ever had any personal dealings with</p> <p>10 Warden Williams?</p> <p>11 A. Somebody from the warden's office called me or</p> <p>12 talked to me on the phone. I am unsure if it was him.</p> <p>13 That's who I asked for.</p> <p>14 Q. When was this?</p> <p>15 A. After Chris died.</p> <p>16 Q. How long after? Or did they call you to notify</p> <p>17 you, or are you referring to something else?</p> <p>18 A. No. About a week or two after he died I</p> <p>19 called.</p> <p>20 Q. You called the warden's office?</p> <p>21 A. Yes.</p> <p>22 Q. You spoke with somebody?</p> <p>23 A. I asked for the warden and they put somebody --</p> <p>24 I was unclear the person's name or his name at the time,</p>

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<p style="text-align: right;">26</p> <p>1 and I just asked how did they know that he was suicidal</p> <p>2 and how could they say that he wasn't.</p> <p>3 Q. Is it possible you spoke to the deputy warden</p> <p>4 and his name was Perry Feltz?</p> <p>5 A. I'm unsure. They had said that they were the</p> <p>6 warden.</p> <p>7 Q. So the person who spoke said, "I'm the warden"?</p> <p>8 A. Yes.</p> <p>9 Q. Raphael Williams, did he have an accent,</p> <p>10 because he has a Jamaican accent?</p> <p>11 A. No. But I had asked for the warden and</p> <p>12 somebody got on the phone and said they were the warden.</p> <p>13 Q. I'm asking because we have records showing</p> <p>14 Warden Williams was on vacation for a period of time and</p> <p>15 there was a deputy warden whose name was Perry Feltz.</p> <p>16 A. I don't know. He wasn't clear that he had said</p> <p>17 this is the deputy warden versus the warden.</p> <p>18 Q. He probably was acting warden at that point.</p> <p>19 To your knowledge, did Chris ever have</p> <p>20 personal dealings with Warden Raphael Williams?</p> <p>21 A. No.</p> <p>22 Q. If I were to represent to you that</p> <p>23 Raphael Williams was not working the weekend your husband</p> <p>24 committed suicide, would you have any basis to dispute</p>	<p style="text-align: right;">28</p> <p>1 Q. In September or October 2004, was he abusing</p> <p>2 drugs or alcohol?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Would you agree that Chris had his own long</p> <p>5 history of substance abuse?</p> <p>6 A. Yes.</p> <p>7 Q. How far back does that go?</p> <p>8 A. When he was a teenager.</p> <p>9 Q. I believe you said you met him when he was 18.</p> <p>10 Were you aware at that time that he had substance abuse</p> <p>11 issues?</p> <p>12 A. Yes.</p> <p>13 Q. How did you become aware of that?</p> <p>14 A. I met him in AA.</p> <p>15 Q. When you were both young?</p> <p>16 A. Yes.</p> <p>17 Q. Seventeen or eighteen?</p> <p>18 A. Yes. Well, 18 or 19.</p> <p>19 Q. Because Chris was a year or two older than you?</p> <p>20 A. He was a year. I lived in Washington for the</p> <p>21 first year.</p> <p>22 Q. Washington, D.C.?</p> <p>23 A. Yes.</p> <p>24 Q. Did he live in Washington, D.C.?</p>
<p style="text-align: right;">27</p> <p>1 that?</p> <p>2 A. No.</p> <p>3 Q. Why did you sue Commissioner Taylor in</p> <p>4 connection with your husband's death?</p> <p>5 A. I don't know any...</p> <p>6 Q. Why did you sue Warden Williams?</p> <p>7 A. Those were the two in charge of the prison.</p> <p>8 Q. Would it be accurate to say you sued them</p> <p>9 because they were in charge of the institution?</p> <p>10 A. Yes.</p> <p>11 Q. We covered some of this. We talked about</p> <p>12 November. Let's go back to October 2004. Was Chris</p> <p>13 living with you in your house at that point?</p> <p>14 A. Yes.</p> <p>15 Q. How would you describe your relationship with</p> <p>16 him in that last month you actually lived together?</p> <p>17 A. We did what we normally did. He was working at</p> <p>18 Pepsi. We would get the girls certain days and have</p> <p>19 dinner and go see their games.</p> <p>20 Q. How were you getting along?</p> <p>21 A. We got along fine.</p> <p>22 Q. Would you say you were having any marital</p> <p>23 problems or disputes at that time?</p> <p>24 A. No.</p>	<p style="text-align: right;">29</p> <p>1 A. No. When I moved here, I met him.</p> <p>2 Q. When he was a young man, 18, 19, what</p> <p>3 substances did he have problems with at that time?</p> <p>4 A. He was sober at that time.</p> <p>5 Q. What substances had caused him to go into</p> <p>6 treatment?</p> <p>7 A. Pot, alcohol, cocaine.</p> <p>8 Q. Over the years did he continue to abuse those</p> <p>9 substances off and on?</p> <p>10 A. No. He was sober for 10 years.</p> <p>11 Q. From about 18 to 28?</p> <p>12 A. Yes.</p> <p>13 Q. What happened?</p> <p>14 A. He had started abusing -- as far as my</p> <p>15 knowledge, he started abusing prescription drugs.</p> <p>16 Q. Do you know what they were?</p> <p>17 A. Percocet.</p> <p>18 Q. Anything else?</p> <p>19 A. We generally don't use specific names, so no.</p> <p>20 Q. How about alcohol when he was in his 20s or</p> <p>21 30s?</p> <p>22 A. Before the accident he was drinking.</p> <p>23 Q. Before the 1997 car accident?</p> <p>24 A. Yes. But he only drank for a very short time</p>

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<p style="text-align: right;">30</p> <p>1 and went into a rehab and then he got out and drank that</p> <p>2 day and had the car accident.</p> <p>3 Q. Were you with him as his girlfriend or a</p> <p>4 friend?</p> <p>5 A. No.</p> <p>6 Q. I want to be clear if I'm asking from your own</p> <p>7 recollection or if you just got this from Chris.</p> <p>8 MR. MARTIN: Let me also suggest you pause</p> <p>9 for a moment after Ms. Ballard finishes her question</p> <p>10 before you answer because your responses are coming right</p> <p>11 on the heels of her question and it's difficult for our</p> <p>12 reporter to take all that down. Just give her a moment</p> <p>13 before you answer. Thank you.</p> <p>14 BY MS. BALLARD:</p> <p>15 Q. I don't remember what my question was. When</p> <p>16 you're talking about Chris either being in recovery or</p> <p>17 using substances say when he was in his 20s or 30s and</p> <p>18 before you got married, are you speaking from your</p> <p>19 personal recollection or things Chris told you over the</p> <p>20 years?</p> <p>21 A. Things Chris told me and certain things I</p> <p>22 remember as an acquaintance/friend.</p> <p>23 Q. Did you see him in AA meetings and things like</p> <p>24 that over the years since he had been 18?</p>	<p style="text-align: right;">32</p> <p>1 A. No. It would be prescription pills.</p> <p>2 Q. Did he abuse alcohol while you were married?</p> <p>3 A. There would be binges. He would go on a day</p> <p>4 binge.</p> <p>5 Q. With alcohol?</p> <p>6 A. Uh-huh.</p> <p>7 MR. MARTIN: Yes?</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. BALLARD:</p> <p>10 Q. We start talking and it's hard to remember to</p> <p>11 say "yes" and "no."</p> <p>12 Did you say you got married in April of</p> <p>13 2003?</p> <p>14 A. Yes.</p> <p>15 Q. Let's talk about that time, April 2003 until</p> <p>16 his death. During times when he would have these binges</p> <p>17 or relapses, how would he behave?</p> <p>18 A. I'm unsure what you're asking me.</p> <p>19 Q. Would he come home drunk? Would he get angry?</p> <p>20 Would he cry? What behaviors did he exhibit that let you</p> <p>21 know he started abusing something again?</p> <p>22 A. He would get very depressed and generally I</p> <p>23 would get angry at him.</p> <p>24 Q. Would you always know if he had started using</p>
<p style="text-align: right;">31</p> <p>1 A. Yes.</p> <p>2 Q. Would it be correct to say you were friends for</p> <p>3 a long period of time and then at some point it became</p> <p>4 romantic and you got married?</p> <p>5 A. Yes.</p> <p>6 Q. Because Chris was previously married during</p> <p>7 that time.</p> <p>8 A. Yes.</p> <p>9 Q. Did you have a relationship when he was</p> <p>10 married?</p> <p>11 A. No. I mean, a friendship.</p> <p>12 Q. I understand.</p> <p>13 How old was Chris when he died?</p> <p>14 A. Thirty-seven.</p> <p>15 Q. Between 30 and 37 what was his status in terms</p> <p>16 of being either sober or using substances? Maybe this</p> <p>17 will be easier. After he got out of jail for the car</p> <p>18 accident.</p> <p>19 A. He was sober for a while and relapsed. I'm</p> <p>20 unsure when. And then he was sober for two years before</p> <p>21 we got married. And then he relapsed after we got</p> <p>22 married. Like it would be a four-day binge. He didn't</p> <p>23 continuously use, generally.</p> <p>24 Q. Was it alcohol?</p>	<p style="text-align: right;">33</p> <p>1 something?</p> <p>2 A. Yes.</p> <p>3 Q. That would be because of him acting depressed?</p> <p>4 A. No. It was almost an internal alarm that I</p> <p>5 can't describe.</p> <p>6 Q. What would you do when you thought he was</p> <p>7 abusing drugs or alcohol?</p> <p>8 A. Mostly within two days he was in a psych unit.</p> <p>9 Q. Would you get him admitted or would he admit</p> <p>10 himself?</p> <p>11 A. Most of the time he asked me to help him get</p> <p>12 in.</p> <p>13 Q. How many times during approximately the year</p> <p>14 and a half of your marriage did he have one of these</p> <p>15 binges where he would have to go in and get help?</p> <p>16 A. I can't even remember the times. I couldn't</p> <p>17 count without looking at the medical records.</p> <p>18 Q. Would you see a connection between when he was</p> <p>19 using these substances and him getting depressed or</p> <p>20 suicidal?</p> <p>21 A. Ask the question again.</p> <p>22 Q. Did you see a connection between him having</p> <p>23 relapsed or used drugs or alcohol and getting depressed</p> <p>24 or suicidal?</p>

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<p style="text-align: right;">34</p> <p>1 A. Not all the time.</p> <p>2 Q. So he would sometimes get depressed when he was</p> <p>3 not abusing substances?</p> <p>4 A. Yes.</p> <p>5 Q. Did he talk to you about his problems with</p> <p>6 addiction?</p> <p>7 A. Yes.</p> <p>8 Q. What would he say? Let's say during your</p> <p>9 marriage.</p> <p>10 A. I mean, it was a common topic. We went to</p> <p>11 meetings together. We had AA friends together. So I --</p> <p>12 Q. I know it's a general topic, but I'm trying to</p> <p>13 get a feel. Did it seem like something he was constantly</p> <p>14 struggling with or something he had relatively under</p> <p>15 control most of the time?</p> <p>16 A. I don't know how to describe that.</p> <p>17 Q. Did it cause friction between you and Chris?</p> <p>18 A. When he was using, yes.</p> <p>19 Q. Is it correct that you kicked him out of the</p> <p>20 house a few times when he was using?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember how many times?</p> <p>23 A. I want to say twice. I didn't kick him out of</p> <p>24 the house. He knew if he was using, he could not live</p>	<p style="text-align: right;">36</p> <p>1 he tried to kill himself. That's his -- wait.</p> <p>2 November 2003 was the first hospitalization he had. That</p> <p>3 wasn't for suicide.</p> <p>4 Q. What was it for?</p> <p>5 A. Depression and drug addiction. I don't think</p> <p>6 it was a suicide attempt that got him there.</p> <p>7 Q. You think he just went in because he started</p> <p>8 abusing drugs or alcohol?</p> <p>9 A. Yes.</p> <p>10 Q. Was he living with you at the time of that</p> <p>11 hospitalization?</p> <p>12 A. Yes.</p> <p>13 Q. Did you admit him to the hospital or did he do</p> <p>14 that --</p> <p>15 A. Yes. We went together.</p> <p>16 Q. What hospital, if you remember?</p> <p>17 A. Rockford.</p> <p>18 Q. How long was he in Rockford that time?</p> <p>19 A. Four or five days. I have to look at the</p> <p>20 record.</p> <p>21 Q. Was there a suicide attempt in September of</p> <p>22 2004?</p> <p>23 A. Yeah. Was that the one with the IV tubing?</p> <p>24 Q. I'm asking what your recollection is.</p>
<p style="text-align: right;">35</p> <p>1 there.</p> <p>2 Q. Did you ask him to leave?</p> <p>3 A. Once I know I did. Once I just told him he</p> <p>4 couldn't go home if he was going to choose to use.</p> <p>5 Q. The several times he was out of the house</p> <p>6 because he was using, did he stay with his aunt Helen?</p> <p>7 A. No.</p> <p>8 Q. Where did he stay?</p> <p>9 A. Two different friends.</p> <p>10 Q. Do you know their names?</p> <p>11 A. No. I know their first names.</p> <p>12 Q. What were their first names?</p> <p>13 A. One was Kathy and one was -- I'm unsure of his</p> <p>14 name. I can see his face, but...</p> <p>15 Q. How long was he out of the house each of those</p> <p>16 two times that you remember? How long was he out of your</p> <p>17 house?</p> <p>18 A. Three, four days. Before he went into the</p> <p>19 hospital again.</p> <p>20 Q. You recall that Chris attempted suicide in</p> <p>21 November of 2003?</p> <p>22 A. Yes.</p> <p>23 Q. How did that happen?</p> <p>24 A. Actually, in November of 2003, that's not when</p>	<p style="text-align: right;">37</p> <p>1 A. I'm not good with keeping track of which one.</p> <p>2 Q. Tell me about the IV tubing incident.</p> <p>3 A. He had been using and staying with that woman</p> <p>4 Kathy, and a probation officer I guess came for her</p> <p>5 because she was on probation. He had a high alcohol</p> <p>6 content. So they took him to Wilmington -- a</p> <p>7 breathalyzer. And they took him to Wilmington Hospital,</p> <p>8 and while he was in the emergency room, he tried to hang</p> <p>9 himself with IV tubing and a sheet. And then he was</p> <p>10 taken to Rockford.</p> <p>11 Q. Were you at the hospital when this happened?</p> <p>12 A. No.</p> <p>13 Q. When had he last been living with you prior to</p> <p>14 going into the hospital?</p> <p>15 A. Two or three days.</p> <p>16 Q. He had been out of the house two or three days</p> <p>17 and then this happened?</p> <p>18 A. Yes.</p> <p>19 Q. Before he left home had he been acting</p> <p>20 depressed or unusual?</p> <p>21 A. Well, he was using drugs, but no. In fact, he</p> <p>22 was working and going to work.</p> <p>23 Q. At that point he left home, but you didn't</p> <p>24 think he was a suicide risk. Would that be accurate?</p>

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<p style="text-align: right;">38</p> <p>1 A. No. I always knew Chris was a suicide risk.</p> <p>2 Q. What do you mean you always knew?</p> <p>3 A. I knew that Chris had mental health issues and</p> <p>4 I knew that his mental health issues made him a suicide</p> <p>5 risk.</p> <p>6 Q. In your opinion, at any point he was a suicide</p> <p>7 risk?</p> <p>8 A. No. I knew if he was cared for when he was in</p> <p>9 that -- in those critical moments, that he would be okay.</p> <p>10 When he was in Wilmington Hospital and they told me about</p> <p>11 the IV tubing, I knew he would be okay because they would</p> <p>12 keep him safe, Rockford would keep him safe.</p> <p>13 Q. But he hung himself or he tried to hang himself</p> <p>14 in Wilmington Hospital when he was in the hospital,</p> <p>15 correct?</p> <p>16 A. Yes. Under the probation officer's watch.</p> <p>17 Q. So you knew who was in the room at the time --</p> <p>18 are you saying a probation officer was in the room at the</p> <p>19 time?</p> <p>20 A. No. He had left the room.</p> <p>21 Q. And he was in an emergency room department?</p> <p>22 A. Yes. But they were watching him and that's how</p> <p>23 he didn't die.</p> <p>24 Q. How do you know who was watching him at what</p>	<p style="text-align: right;">40</p> <p>1 mentioned?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know if he was taking them at that</p> <p>4 point?</p> <p>5 A. Yes.</p> <p>6 Q. When Chris lived with you, did he seem to be</p> <p>7 compliant with taking his medications?</p> <p>8 A. Yes.</p> <p>9 Q. In your written interrogatory answers, and this</p> <p>10 is question 2(d), you wrote or through your attorney you</p> <p>11 wrote, "Decedent," meaning Chris, "tried to overdose on</p> <p>12 an illegal drug to kill himself. He made a statement to</p> <p>13 Plaintiff, Karen Barkes, that two people were dead</p> <p>14 because of his mistake. When he became unconscious,</p> <p>15 Karen Barkes called 911. The police and ambulance</p> <p>16 revived him and took him to the hospital."</p> <p>17 There isn't a date provided for that one.</p> <p>18 Do you recall when that was?</p> <p>19 A. No.</p> <p>20 Q. You have no recollection?</p> <p>21 A. No.</p> <p>22 Q. Do you recall the incident?</p> <p>23 A. Yes.</p> <p>24 Q. Can you tell me a little more about the</p>
<p style="text-align: right;">39</p> <p>1 point?</p> <p>2 A. Because the nurses walked in and found him</p> <p>3 trying to hang himself.</p> <p>4 Q. Obviously nobody was in the room with him when</p> <p>5 he actually tried --</p> <p>6 A. But they were checking him.</p> <p>7 Q. Were you aware that anybody was in the room</p> <p>8 with him when he tried to make the attempt?</p> <p>9 A. No. They walked in when he was trying to hang</p> <p>10 himself.</p> <p>11 Q. Where did you get the information about who was</p> <p>12 in the room when?</p> <p>13 A. The nurse, Chris, the medical records, the</p> <p>14 people at Rockford.</p> <p>15 Q. These are things that people told you after the</p> <p>16 incident?</p> <p>17 A. Uh-huh.</p> <p>18 MR. MARTIN: Yes?</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. BALLARD:</p> <p>21 Q. I'll represent to you at least in your</p> <p>22 interrogatories you said the IV tubing incident took</p> <p>23 place in September 2004. At that point was Chris on or</p> <p>24 supposed to be on any medications like the ones you</p>	<p style="text-align: right;">41</p> <p>1 incident? It sounds like he was home with you at the</p> <p>2 time?</p> <p>3 A. Yes. He came home. And he had told me that --</p> <p>4 I had known that he had been struggling with guilt and</p> <p>5 trying to figure out a way to deal with that. And he had</p> <p>6 told -- he was despondent and said he wanted to die, he</p> <p>7 was tired of feeling guilty. And I was angry because I</p> <p>8 knew that he had been using.</p> <p>9 Q. At some point he became unconscious?</p> <p>10 A. Yeah. It was at Christmas time, because I</p> <p>11 remember there were Christmas lights out.</p> <p>12 Q. Do you know what drug he was using?</p> <p>13 A. They had said heroin.</p> <p>14 Q. Do you recall him becoming unconscious and you</p> <p>15 called 911?</p> <p>16 A. Yes.</p> <p>17 Q. Where did he go that time for treatment?</p> <p>18 A. Wilmington Hospital.</p> <p>19 Q. Did he go into a drug program after Wilmington</p> <p>20 Hospital, if you recall?</p> <p>21 A. Uh-uh.</p> <p>22 Q. No?</p> <p>23 A. No.</p> <p>24 Q. Who was Chris's primary care physician when you</p>

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<p style="text-align: right;">42</p> <p>1 were married?</p> <p>2 A. Most of the time Dr. Bercaw?</p> <p>3 Q. Dr.?</p> <p>4 A. Bercaw.</p> <p>5 Q. Do you know how to spell that?</p> <p>6 A. Just a guess. B-e-r-c-a-w.</p> <p>7 Q. Do you know the doctor's first name?</p> <p>8 A. No.</p> <p>9 Q. Was he with a certain practice group?</p> <p>10 A. I don't know.</p> <p>11 Q. Was he your doctor?</p> <p>12 A. No.</p> <p>13 Q. Who was your primary care physician?</p> <p>14 A. Dr. Depfer.</p> <p>15 Q. How do you spell that?</p> <p>16 A. D-e-p-h-e-r.</p> <p>17 Q. Is he still your doctor?</p> <p>18 A. D-e-p -- I'm unsure.</p> <p>19 Q. What's the first name of Dr. Depfer?</p> <p>20 A. Charles. I have only been going to him since I</p> <p>21 was 13.</p> <p>22 MR. MARTIN: Off the record.</p> <p>23 (Discussion off the record.)</p> <p>24</p>	<p style="text-align: right;">44</p> <p>1 Q. Did his problems seem to be getting worse or</p> <p>2 did they just flare up occasionally?</p> <p>3 A. Flare up occasionally.</p> <p>4 Q. It wasn't like a progression of getting worse?</p> <p>5 A. No.</p> <p>6 Q. How would it affect you when he would abuse</p> <p>7 alcohol or drugs? I know you said you would get angry,</p> <p>8 but how did it affect you at home?</p> <p>9 A. Psychologically I think, because of my</p> <p>10 knowledge, I understood that it wasn't personal and that</p> <p>11 it didn't have to do with me and that I could be</p> <p>12 supportive of him when he chose to get sober again.</p> <p>13 Q. Did it make you angry that you could stay in</p> <p>14 recovery and he couldn't?</p> <p>15 A. No.</p> <p>16 Q. Did Chris have a friend named Scott Herr?</p> <p>17 A. Yes.</p> <p>18 Q. Is that one of the two people that you couldn't</p> <p>19 remember the name of?</p> <p>20 A. No.</p> <p>21 Q. Who is Scott Herr?</p> <p>22 A. He was somebody who had just started getting</p> <p>23 sober and that Chris and him were friends and would go</p> <p>24 have coffee together and go to meetings together.</p>
<p style="text-align: right;">43</p> <p>1 BY MS. BALLARD:</p> <p>2 Q. Tell me about Aunt Helen. Is this a family</p> <p>3 member that Chris was especially close to?</p> <p>4 A. Yes. She is his father's sister.</p> <p>5 Q. Do you know why she's the one who he chose to</p> <p>6 go live with in November 2004?</p> <p>7 A. When he was a teenager and having problems in</p> <p>8 California, he had come to live with Helen and Helen's</p> <p>9 husband.</p> <p>10 Q. Is Helen's husband named Tom, by any chance?</p> <p>11 A. Yes.</p> <p>12 Q. There was an Uncle Tom and I didn't know who</p> <p>13 that was.</p> <p>14 A. He has died.</p> <p>15 Q. He died?</p> <p>16 A. Yes. But he was in AA and so they took Chris</p> <p>17 under their wing.</p> <p>18 Q. Was Helen in AA, to your knowledge?</p> <p>19 A. No.</p> <p>20 Q. During your marriage in 2003 to 2004, would you</p> <p>21 say that Chris had more problems or that the problems</p> <p>22 increased with him abusing substances during your</p> <p>23 marriage?</p> <p>24 A. I don't understand the question.</p>	<p style="text-align: right;">45</p> <p>1 Q. Do you know where he lives?</p> <p>2 A. He lives in Claymont, but he's moving next</p> <p>3 week.</p> <p>4 Q. Do you still keep in touch with him?</p> <p>5 A. Yes.</p> <p>6 Q. Did he help Chris with any recovery issues?</p> <p>7 A. Yes. Just being able to talk and have a</p> <p>8 friend.</p> <p>9 Q. What's Chris's mother's name?</p> <p>10 A. Dorothy.</p> <p>11 Q. Dorothy Barkes?</p> <p>12 A. Yes. They call her Dottie.</p> <p>13 Q. Where does she live?</p> <p>14 A. California.</p> <p>15 Q. Do you keep in touch with her?</p> <p>16 A. I tell her -- I e-mail his family with stuff</p> <p>17 that's going on with the court and general information,</p> <p>18 but no.</p> <p>19 Q. Was Chris close to her during your marriage?</p> <p>20 A. No.</p> <p>21 Q. How about Chris's father, what's his name?</p> <p>22 A. Raymond.</p> <p>23 Q. Does he live in California, also?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">46</p> <p>1 Q. Do you keep in touch with him?</p> <p>2 A. Other than to e-mail.</p> <p>3 Q. Same sort of things with his mother?</p> <p>4 A. Yes.</p> <p>5 Q. Was Chris close to him when you were married?</p> <p>6 A. Not really. They would talk on the phone once</p> <p>7 a month.</p> <p>8 Q. As far as you can recall, can you give me</p> <p>9 Chris's job history? Was he working for Pepsi at the</p> <p>10 time he died?</p> <p>11 A. Yes.</p> <p>12 Q. How long did he work for Pepsi? You can either</p> <p>13 take it forward or backward, whatever is easier.</p> <p>14 A. We can go backwards. I want to say that he</p> <p>15 started the beginning of summer.</p> <p>16 Q. Summer of '04?</p> <p>17 MR. MARTIN: Yes?</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. BALLARD:</p> <p>20 Q. What other jobs did he have before that?</p> <p>21 A. He worked at Big Sky Bakery as a baker. He</p> <p>22 worked at Grotto's Pizza. And then he was incarcerated.</p> <p>23 Q. That was approximately '97 to '99?</p> <p>24 A. Yes. He worked -- he started working at</p>	<p style="text-align: right;">48</p> <p>1 A. Yes.</p> <p>2 Q. When you were married, did he seem</p> <p>3 knowledgeable about medical issues?</p> <p>4 A. Yes.</p> <p>5 Q. You seem pretty emphatic about that. Would he</p> <p>6 talk about medical issues a lot?</p> <p>7 A. He always knew the questions on Jeopardy. If</p> <p>8 somebody was sick -- he wouldn't offer advice, but he</p> <p>9 would know what they were talking about. My father came</p> <p>10 up with some weird kind of leukemia and he knew what</p> <p>11 was...</p> <p>12 MR. MARTIN: Can we take a short break?</p> <p>13 MS. BALLARD: Sure.</p> <p>14 (A recess was taken.)</p> <p>15 BY MS. BALLARD:</p> <p>16 Q. We were talking about Chris having been an RN</p> <p>17 and you said he seemed knowledgeable about medical</p> <p>18 issues. Did Chris seem to be insightful into his own</p> <p>19 addiction issues?</p> <p>20 A. Yes.</p> <p>21 Q. I know it's a general question, but what sort</p> <p>22 of things would he say about his own addiction issues?</p> <p>23 A. I mean, he knew that, if he used, he would be</p> <p>24 out of control. Not out of control -- like he would keep</p>
<p style="text-align: right;">47</p> <p>1 Grotto's when he was in work release.</p> <p>2 Q. Was he a cook?</p> <p>3 A. Yes. Pizza maker. Before that I'm unclear.</p> <p>4 He worked at Leader Nursing Homes. He worked at</p> <p>5 St. Francis. And I'm unsure of the -- I know we talked</p> <p>6 about certain -- he worked at Sears prior to that, but I</p> <p>7 can't --</p> <p>8 Q. I'm not going to hold you to dates.</p> <p>9 Are you aware he was licensed as a</p> <p>10 registered nurse in Delaware at some point?</p> <p>11 A. Yes.</p> <p>12 Q. Did he lose his license at some point?</p> <p>13 A. Yes.</p> <p>14 Q. Did he talk about nursing or did he miss being</p> <p>15 a nurse?</p> <p>16 A. Oh, yes.</p> <p>17 Q. What would he say?</p> <p>18 A. That he missed being a nurse. At some point he</p> <p>19 wanted to get his license back to be able to do nursing</p> <p>20 again. He would talk to other nurses who had lost their</p> <p>21 licenses and got them back. He would talk to him on how</p> <p>22 they would get them back.</p> <p>23 Q. Did his losing his license have to do with</p> <p>24 substance abuse issues?</p>	<p style="text-align: right;">49</p> <p>1 using.</p> <p>2 Q. Did he seem to have insight into other mental</p> <p>3 health issues like depression and bipolar?</p> <p>4 A. Not as much.</p> <p>5 Q. Was there an incident where Chris was</p> <p>6 criminally charged with offensive touching, a domestic</p> <p>7 incident with you in November 2003?</p> <p>8 A. Yes.</p> <p>9 Q. What happened there?</p> <p>10 A. The first time Chris was hospitalized in</p> <p>11 November of 2003, they put him on Zoloft and he had been</p> <p>12 complaining about the Zoloft making him feel manic, and</p> <p>13 he was trying to be compliant, but he didn't understand</p> <p>14 what was going on. I didn't even understand what was</p> <p>15 going on. He was calling Rockford talking to the doctor</p> <p>16 down there. He said keep taking the medication until he</p> <p>17 could see the psychiatrist, which was three weeks later.</p> <p>18 But he continued to feel worse. And so he started</p> <p>19 drinking to try to bring himself down, if that makes</p> <p>20 sense. And it wound up sending him off the deep end.</p> <p>21 I called the police when I felt like -- I</p> <p>22 was trying to get him to agree to go back to the hospital</p> <p>23 and he had felt like the hospital didn't help and it has</p> <p>24 just made his problems worse.</p>

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<p style="text-align: right;">50</p> <p>1 Q. When you say "the hospital," do you mean 2 Rockford? 3 A. Yes. And I was trying to get him to stay in 4 the house and he wanted to leave, and he wound up 5 slapping me, which then I opened -- I called 911 because 6 I figured the police would help me try to get him in the 7 hospital. 8 Q. Did they take him to the hospital? 9 A. I'm unsure what happened that time. I don't 10 really -- I know that's when they said in order to take 11 him, they have to charge him with that. 12 Q. Charge him with? 13 A. Offensive touching. I told them I didn't want 14 to press charges because I knew with his record it 15 wouldn't be -- but they said that that's the only way 16 that they could help. 17 Q. Are you aware that he entered a guilty plea to 18 that charge at some point? 19 A. Yeah. I think. 20 Q. Did you have to testify? 21 A. No. I want to say that he pled. I'm unsure 22 because I'm not with the court -- 23 Q. That's all right. 24 A. But I remember that he said, "I'll just plead</p>	<p style="text-align: right;">52</p> <p>1 get in rehab, he would say, "I know that you were right." 2 And I'd say, "You know I'd know when you 3 are using." 4 So generally it would be a moot point. I 5 might bring it up because I was frustrated, but I 6 wouldn't beat a dead horse. We both know he was. 7 Q. Did you during either of these incidents hit or 8 strike Chris? 9 A. I would try to restrain him. 10 Q. So would that be a no, you didn't hit him? 11 A. No. 12 Q. Were there other occasions where you would 13 fight or argue with Chris and it became physical, other 14 than the two you described? 15 A. No. There were times that I was trying to 16 restrain him to keep him from leaving the house but, no. 17 Would he hit me? No. 18 Q. Did you consider Chris to be verbally abusive 19 towards you at any point? 20 A. No. 21 Q. You've described several incidents of 22 depression or a suicide attempt in 2003-2004. When Chris 23 wasn't actively depressed, was he getting outpatient 24 counseling, mental health counseling?</p>
<p style="text-align: right;">51</p> <p>1 guilty and then do the six months' probation." That's 2 what I generally remember. 3 Q. Was there another domestic incident where he 4 threw a phone at you in January of 2004? 5 A. Yes. He threw the phone and it hit me. He 6 wasn't aiming it at me. 7 Q. How did that incident start? 8 A. He had started using again. 9 Q. Alcohol, do you recall? 10 A. No. 11 Q. You don't recall? 12 A. No. It's all the same to me. 13 Q. You were arguing, I guess? 14 A. Yes. 15 Q. Can you tell me how it came about? 16 A. I don't remember. I mean, generally, the same 17 argument, "Chris, are you using again?" 18 "No, I'm not." 19 "Yes, you are." 20 Q. Would you find that he would I don't want to 21 say lie to you, but he wouldn't admit it at first and you 22 would have to have a discussion with him and get him to 23 admit he was using? 24 A. I'm replaying. He would know -- when he would</p>	<p style="text-align: right;">53</p> <p>1 A. On and off. He tried different places, Open 2 Door, PSI. 3 Q. Did he find them not to be helpful? Is there a 4 reason he didn't continually get counseling? 5 A. Different reasons, different places. Some not 6 helpful, some -- Chris knew -- he was knowledgeable 7 enough to know about addiction and how to -- the best way 8 to deal with his addiction. He didn't understand the 9 mental health issues he was up against, and it seemed 10 like those places weren't very helpful at getting him to 11 understand that. 12 Q. You mentioned some prescriptions he was taking 13 for depression like Effexor, Seroquel. Where would he 14 get those prescriptions filled when you lived together? 15 A. Generally our pharmacy was Target or Shop Rite. 16 When he agreed to the bipolar medications, we got them 17 through Medco. 18 Q. Is that a mail order? 19 A. Yes. 20 Q. You said, "when he agreed to the bipolar." Was 21 that a diagnosis that came somewhat later? I'm not sure 22 what you meant by that. 23 A. Chris knew about medical things, but it was 24 hard for him to understand the mental health problems,</p>

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<p style="text-align: right;">54</p> <p>1 and he wasn't sure what was wrong with him, and so when</p> <p>2 the bipolar -- he knew he was depressed, but he wasn't</p> <p>3 sure about the bipolar until I guess one of the</p> <p>4 hospitalizations when they started him on the Effexor,</p> <p>5 Depakote.</p> <p>6 Q. Do you remember when that diagnosis of bipolar</p> <p>7 was made?</p> <p>8 A. No. I guess they thought about it after he</p> <p>9 went on the manic episode with the Zoloft. A</p> <p>10 psychologist had mentioned to me -- a friend of mine had</p> <p>11 mentioned to me that that was a possibility.</p> <p>12 Q. When he started taking the meds for bipolar,</p> <p>13 did it seem to help?</p> <p>14 A. Yes.</p> <p>15 Q. Tina Grossman, she was Chris's first wife?</p> <p>16 A. Yes.</p> <p>17 Q. What was your relationship like with Tina</p> <p>18 during your marriage to Chris?</p> <p>19 A. Tina and I had been friends for a long time,</p> <p>20 but we didn't see eye to eye on certain things. It was</p> <p>21 the normal ex-wife-new wife relationship.</p> <p>22 Q. Was it things that had to do with Chris and the</p> <p>23 kids or other sort of things?</p> <p>24 A. No. It was more on her opinion about my</p>	<p style="text-align: right;">56</p> <p>1 every weekend?</p> <p>2 A. Every other weekend.</p> <p>3 Q. What are his children's names?</p> <p>4 A. Brittany and Allie. Alexandria. They call her</p> <p>5 Allie.</p> <p>6 Q. How old are they now?</p> <p>7 A. Brittany's 18. Al would be 15.</p> <p>8 MR. MARTIN: Let's go off the record.</p> <p>9 (Discussion off the record.)</p> <p>10 BY MS. BALLARD:</p> <p>11 Q. So Allie's about 15?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall Chris having trouble making his</p> <p>14 child support payments when he was married to you?</p> <p>15 A. No. He was in arrears because of being in</p> <p>16 jail. She started the child support while he was in</p> <p>17 jail. So every time that he -- it was part of the thing</p> <p>18 that he would pay off some of the arrears every -- he was</p> <p>19 out of a job for a little while, but he didn't stop -- he</p> <p>20 didn't go and ask for the child support to be stopped.</p> <p>21 He knew that it would collect and he would pay.</p> <p>22 Q. How would you describe Chris's relationship</p> <p>23 with his daughters when he was married to you?</p> <p>24 A. They were close. They talked on the phone</p>
<p style="text-align: right;">55</p> <p>1 behavior.</p> <p>2 Q. Did she disapprove in some way of your</p> <p>3 behavior?</p> <p>4 A. No. But we're different people. Her and I are</p> <p>5 different people.</p> <p>6 Q. You mentioned something about her opinion of</p> <p>7 your behavior, so you must have had something in mind.</p> <p>8 I'm trying to find out what that is. I'm not saying it</p> <p>9 was valid or not. I just want to know what her opinion</p> <p>10 was.</p> <p>11 A. I don't know how to describe it.</p> <p>12 Q. Sounds like there was some conflict between you</p> <p>13 and Tina.</p> <p>14 A. Yes.</p> <p>15 Q. What was the conflict over?</p> <p>16 A. It seemed like anything I did. Driving down</p> <p>17 the street, not waving.</p> <p>18 Q. Did it have anything to do with Chris's</p> <p>19 recovery and substance abuse issues?</p> <p>20 A. No.</p> <p>21 Q. Did Chris get along with her when he was</p> <p>22 married to you?</p> <p>23 A. Chris knew how to deal with her better.</p> <p>24 Q. I think you said his children would come over</p>	<p style="text-align: right;">57</p> <p>1 every day.</p> <p>2 Q. Did his daughters get along with you?</p> <p>3 A. Yeah.</p> <p>4 Q. Are you familiar with a Dr. Joshi?</p> <p>5 A. Yacoub.</p> <p>6 Q. What is it?</p> <p>7 A. Yacoub?</p> <p>8 Q. I believe it's J-o-s-h-i.</p> <p>9 A. Oh, no.</p> <p>10 Q. What was the one you were going to mention or</p> <p>11 trying to mention?</p> <p>12 A. There was a Yacoub. He was the Rockford</p> <p>13 doctor.</p> <p>14 Q. I think there was a Jackson at Rockford. I</p> <p>15 haven't heard of that one.</p> <p>16 A. Jacobson.</p> <p>17 Q. Was there a psychiatrist that you at some point</p> <p>18 contemplated bringing a legal claim against? Not in</p> <p>19 connection with this suicide, something else.</p> <p>20 A. Me personally?</p> <p>21 Q. You and/or Chris. Based on treatment. Based</p> <p>22 on his treatment of Chris.</p> <p>23 A. I was angry with the psychiatrist that was</p> <p>24 treating Chris.</p>

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<p style="text-align: right;">58</p> <p>1 Q. Which psychiatrist is that?</p> <p>2 A. Privett.</p> <p>3 Q. Privett?</p> <p>4 A. Dr. Privett.</p> <p>5 Q. Where was he?</p> <p>6 A. She was at the Kalkstein Associates.</p> <p>7 Q. When -- I'm sorry. Go ahead.</p> <p>8 A. They wouldn't give me his records after he</p> <p>9 died.</p> <p>10 Q. I was talking about something before he died.</p> <p>11 I saw that in the records. So there wasn't another</p> <p>12 doctor who treated Chris that you contemplated bringing a</p> <p>13 claim against for his treatment of Chris prior to the</p> <p>14 suicide?</p> <p>15 A. Not that I can think of.</p> <p>16 Q. You're not familiar with this Dr. Joshi?</p> <p>17 A. No.</p> <p>18 Q. Have you ever filed a lawsuit before this one?</p> <p>19 A. No.</p> <p>20 Q. Did you receive counseling at Delaware Family</p> <p>21 Center in 2001 through at least 2002?</p> <p>22 A. Yes.</p> <p>23 Q. Who was your counselor there?</p> <p>24 A. Jane Anderson.</p>	<p style="text-align: right;">60</p> <p>1 A. No.</p> <p>2 MS. BALLARD: I'm going to mark a document</p> <p>3 Barkes 1.</p> <p>4 (Barkes Deposition Exhibit No. 1 was marked</p> <p>5 for identification.)</p> <p>6 BY MS. BALLARD:</p> <p>7 Q. I'll give you a couple minutes to flip through</p> <p>8 that. I just have some specific questions.</p> <p>9 For the record, this is a record of</p> <p>10 Catholic Charities, Inc., Counseling and Substance Abuse</p> <p>11 Services, interview date for Christopher Barkes,</p> <p>12 12/18/2003.</p> <p>13 You're welcome to read the whole thing, but</p> <p>14 I have some specific questions. Just let me know when</p> <p>15 you're ready.</p> <p>16 Were you aware that Chris had sought</p> <p>17 counseling with Catholic Charities in December 2003?</p> <p>18 A. Yes.</p> <p>19 Q. On this document on the front page after the</p> <p>20 initial paragraph, is it correct that it says,</p> <p>21 "Presenting Problems as Seen by Client"?</p> <p>22 A. On the first page?</p> <p>23 Q. Yes.</p> <p>24 A. Oh, I see. Yes.</p>
<p style="text-align: right;">59</p> <p>1 Q. Are you still seeing Jane Anderson?</p> <p>2 A. I'm in a women's group that she facilitates.</p> <p>3 Q. I have some notes here that are from '01 to</p> <p>4 '02. Do you recall the last time you actually treated at</p> <p>5 Delaware Family Center?</p> <p>6 A. It would have been after Chris died.</p> <p>7 Q. In 2002, this is actually 7/17/02, Dr. Anderson</p> <p>8 wrote in her notes that you said, "I'm afraid I'll take</p> <p>9 my issues out on him," meaning Chris.</p> <p>10 Do you recall what you meant by that? This</p> <p>11 is before you were married. This is 2002.</p> <p>12 A. Not out of context, no.</p> <p>13 Q. What she wrote that time was "Karen and Chris,</p> <p>14 K unused to being alone. I'm afraid I'll take my issues</p> <p>15 out on him."</p> <p>16 Does that help?</p> <p>17 A. Before we got married, we had met with Jane to</p> <p>18 just talk about couples issues. I had been single and</p> <p>19 had lived alone and used to that. I had been on my own</p> <p>20 for a long time. So I was used to that. And I was</p> <p>21 afraid that I would be a bad wife, like I didn't want to</p> <p>22 be a bad wife to him.</p> <p>23 Q. Did it have anything to do with recovery issues</p> <p>24 or anything like that?</p>	<p style="text-align: right;">61</p> <p>1 Q. At the bottom of the last paragraph on that</p> <p>2 page, it says, "Reason for securing services at this</p> <p>3 time," and among other reasons, is it correct it says,</p> <p>4 "Marital conflict"?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know what Chris may have been referring</p> <p>7 to as marital conflict at that point?</p> <p>8 A. At that point we were arguing because he was</p> <p>9 drinking.</p> <p>10 Q. Anything else?</p> <p>11 A. No.</p> <p>12 Q. Also on that first page it says, "Drug of</p> <p>13 choice is alcohol."</p> <p>14 A. Yes.</p> <p>15 Q. Under "Frequency." Would you agree with that,</p> <p>16 that that was his drug of choice?</p> <p>17 A. Yes. It was hard to say because I never -- I</p> <p>18 mean, I never drank with him, I never used drugs with</p> <p>19 him.</p> <p>20 Q. I understand, but when he had these relapses,</p> <p>21 would it typically be alcohol? Would you smell alcohol?</p> <p>22 A. Yes. But he did drugs, too.</p> <p>23 Q. Would you turn to page 5 of the document?</p> <p>24 After the list of his friends and family, there's a</p>

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<p style="text-align: right;">62</p> <p>1 paragraph there and the last sentence says, "According to 2 Mr. Barkes, he has experienced serious problems in the 3 past 30 days with his: sexual partner/spouse." 4 Do you know what problems he would have 5 been referring to at that time? 6 A. Me arguing about his drinking or using drugs. 7 Q. No other problems? 8 A. No. 9 Q. A little further down that same page, 10 "Mr. Barkes reported being abused in the past 30 days: 11 emotionally by his sexual partner or spouse." 12 Do you have any idea what he's referring to 13 there? 14 A. Me being mad about him drinking. 15 Q. Do you know why he would have considered that 16 emotional abuse? 17 A. No. 18 Q. If you can turn to page 6. The first full 19 paragraph on that same page, I'll just read it into the 20 record. "Client stressed that his wife has been sober 21 for last 18 years. As per client, despite 22 marital conflict he is satisfied with being 23 married. However, his wife is verbally abusing 24 him by putting him down and bringing back</p>	<p style="text-align: right;">64</p> <p>1 Q. The therapist indicated at this time that 2 Christopher had no suicidal intent, suicidal intent, 3 none? It's the middle of the page. 4 A. Yes. Yes, I see it. Your question about it? 5 Q. I was asking if the document said that, but if 6 you want to elaborate on your observations of Chris at 7 that time, that's fine, too. This is December 2003. 8 A. Uh-huh. And your question would be? 9 Q. My question was just if that's what the 10 therapist indicated, that he had no suicidal intent at 11 this time. But it seemed like you may have wanted to add 12 to the answer. 13 A. No. That's what the person put. 14 Q. That's all I have with that. Let me get this 15 one marked as Barkes 2. 16 (Barkes Deposition Exhibit No. 2 was marked 17 for identification.) 18 BY MS. BALLARD: 19 Q. For the record, this is an assessment form from 20 Christiana Care with what appears to be an admit date of 21 11/25/03, and it's been produced by plaintiffs as P 659. 22 Let me know when you're ready. 23 In the middle of this "History of 24 Presenting Problem" paragraph, the provider wrote: "Came</p>
<p style="text-align: right;">63</p> <p>1 traumatic past as it relate to his vehicular 2 homicide which increased his guilt, shame and 3 depression. Client is hoping to work things 4 through with his wife." 5 What was he referring to by telling the 6 therapist you were verbally abusing him about his past 7 and in particular the accident? 8 A. I knew that, if Chris was to stay sober, he had 9 to deal with that accident and the guilt, and I would 10 bring it up, that he had to deal with it. 11 Q. What kind of things would you say to him? 12 A. That the guilt was eating him up inside and 13 that he had to find some way to deal with that. And I 14 didn't know how. 15 Q. Did you get the feeling when you would bring 16 that subject up with him, that he would feel depressed? 17 A. I knew that he felt guilty. I knew it would 18 make him -- I knew that it made him feel worse, but I 19 knew that denying it and pretending like it didn't happen 20 was making things worse. 21 Q. One last question on this one. On page 7 22 there's a list of mental health status exam items, and is 23 it correct that during this exam -- 24 A. Hold on one second. I can't listen. Go ahead.</p>	<p style="text-align: right;">65</p> <p>1 home on Zolof, 100," I'm not sure what the dosage is 2 there, but it says 100 something. "Violent when mixed 3 with alcohol per wife. She kicked him out. He went to 4 his aunt's who is also angry." 5 Was this the incident you told me about 6 where he was taking Zolof and then tried to take alcohol 7 to come down from that? 8 A. Yes. 9 Q. According to this, it appears that he went to 10 his aunt's after you kicked him out of the house? Do you 11 agree with that? 12 A. No. 13 Q. Which part do you not agree with? 14 A. That he went to his aunt's house. 15 Q. Where did he go? 16 A. You know, I'm unsure. 17 Q. Would it be correct that, after this episode, 18 you did kick him out of the house? 19 A. No. 20 Q. Were you with him in the emergency room -- 21 A. Yes. 22 Q. -- during this time? 23 A. Yes. 24 Q. Is it possible that you gave the nurse any of</p>

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<p style="text-align: right;">66</p> <p>1 this information, or do you think it came from 2 Christopher? 3 A. It came from Chris. 4 Q. It also says a little further down, and this is 5 referring to you, "She's livid about his behavior, 6 especially his lying about his use." 7 Is that accurate? 8 A. Yes. 9 Q. Is that something you expressed to the nurses 10 there? 11 A. Yes. 12 Q. Three lines from the bottom of that big 13 paragraph is it correct it says, "Denies suicidal on unit 14 but not if he goes home"? 15 A. Yes. 16 Q. It also says after that, "As of this moment, 17 wife does not want him to return"? 18 A. No. Your question is does it say that? Yes. 19 Q. You do not agree with that? 20 A. I wanted him hospitalized. I didn't want him 21 to come home. I wanted him hospitalized. 22 Q. Was he hospitalized after this? 23 A. I don't remember. I'd have to look at the 24 medical records.</p>	<p style="text-align: right;">68</p> <p>1 Q. Do you have a card or something? 2 A. No. 3 MR. MARTIN: I guess the best method would 4 be to check it on the Internet to see if we can track it 5 down that way. 6 BY MS. BALLARD: 7 Q. Was this through Chris's work that he got the 8 prescriptions through Medco? Why did he start using 9 Medco I guess is my question? 10 A. I want to say there was a thing that it was 11 less money for a three months' supply versus -- I'm 12 unsure, because I never actually had to do it. But I 13 think it was less expensive if you went through Medco 14 versus going to the... 15 Q. Was the prescription coverage through his work? 16 A. Yes. 17 Q. Through Pepsi? 18 A. Yes. 19 Q. In October of '04 he filled another drug, 20 Albuterol, at the Shop Rite; is that right? 21 A. Yes. 22 Q. Is there a reason he didn't use Medco for that 23 one? 24 A. Other than he only took that when he had</p>
<p style="text-align: right;">67</p> <p>1 Q. That's all I have on that. 2 Let's get this next one marked as the next 3 number. 4 (Barkes Deposition Exhibit No. 3 was marked 5 for identification.) 6 BY MS. BALLARD: 7 Q. This is a record we subpoenaed from the Shop 8 Rite pharmacy, and it's their record of prescriptions 9 that Christopher filled there. Is it correct that in 10 September of '04 it appeared he was filling prescriptions 11 for Depakote, Effexor, and Seroquel? 12 A. What was the date? 13 Q. September 3rd, '04, and September 9th, '04. 14 A. Yes. 15 Q. Who is Dr. Jacobson that prescribed those? 16 A. That was the doctor from Rockford. 17 Q. According to this, it appears he did not refill 18 those prescriptions after September of 2004. 19 A. He started getting them through Medco. 20 Q. All three of those? 21 A. Yes. 22 MS. BALLARD: Jeff, can we get an address 23 for Medco so I can subpoena their records? 24 BY MS. BALLARD:</p>	<p style="text-align: right;">69</p> <p>1 breathing problems and so he probably didn't use it as 2 often, versus he knew that he was going to be on the 3 Depakote, Seroquel, and Effexor for a long time. 4 Q. Do you recall prescriptions of Depakote, 5 Effexor, and Seroquel being mailed to the house in 6 October 2004? 7 A. Yes. 8 Q. That's all I have on that. 9 MS. BALLARD: This is the last one. 10 (Barkes Deposition Exhibit No. 4 was marked 11 for identification.) 12 BY MS. BALLARD: 13 Q. I ask you to take a look at this one. This is 14 a record from Rockford Center, admission date 9/10/04 by 15 a Mujib Obeidy, M.D. Let me know when you're ready. 16 For the record, this is P 196 through 198 17 of plaintiffs' production. 18 Do you recall Chris being admitted to 19 Rockford Center in September '04 after a three-day 20 alcohol binge? 21 A. Yes. 22 Q. Is it correct that this report indicates he was 23 kicked out of the house by you? 24 A. Yes.</p>


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<p style="text-align: right;">70</p> <p>1 Q. At the bottom of the paragraph titled "History 2 of Present Illness," is it correct the report says, "He," 3 meaning Chris, "also states that after he was kicked out 4 of his house he has not had access to his medication"? 5 A. Yes. 6 Q. Do you know if he went to live with Aunt Helen 7 this particular time? 8 A. No. 9 Q. He did not? 10 A. You mean after or those three days? 11 Q. When he was kicked out of the house. 12 A. No. 13 Q. Who was he with? 14 A. This is the -- when he was with that girl, 15 Kathy. 16 Q. Right. This is when the probation officer came 17 to her house and picked him up. 18 Under "Mental Status Examination" on page 19 2, the report indicates: "Appears to be very concerned 20 about the problems that he is having with his wife"... 21 Do you know what he was referring to in 22 September of '04? 23 A. Yes. Me being angry that he was getting high 24 again or drinking again.</p>	<p style="text-align: right;">72</p> <p>1 MS. BALLARD: That's all I have. Thank 2 you. 3 Do you have any? 4 BY MR. HAGER: 5 Q. Just real briefly. My name is Gerry Hager, and 6 I represent First Correctional in this matter. 7 Have you ever talked with anyone at First 8 Correctional Medical regarding his treatment at the 9 prison? 10 A. Not his treatment. I was trying to get his 11 records. 12 Q. Who did you talk to? 13 A. The receptionist who picked up in Arizona. 14 Nowhere -- I kind of got -- I got bounced around. They 15 said they wouldn't give me his medical records. 16 Q. So you made a call to Arizona? 17 A. Yes. And then they gave me the office here and 18 they gave me the prison. 19 Q. During those telephone calls, did anyone ever 20 talk to you at all about his care at the prison? 21 A. No. 22 Q. Did you ever talk to any of the individual 23 employees at First Correctional Medical other than the 24 receptionist that you talked to?</p>
<p style="text-align: right;">71</p> <p>1 Q. Any other problems you can think of that he 2 might have been referring to? 3 A. No. 4 Q. The last page, page 3, under "Treatment Plan," 5 is it correct that this doctor wrote: "I will not start 6 him on any Depakote"? Is that what it says? 7 A. Yes. 8 Q. That's all I had on that. 9 Let me just go really briefly to the 10 conversation you had with Chris on November 13th, 2004, 11 when he called you from prison. 12 I believe you said he told you he hadn't 13 gotten high? 14 A. Yes. 15 Q. Did he sound intoxicated to you? 16 A. No. 17 Q. You said you sort of had a sixth sense about 18 it. Did you get the feeling that he had gotten high? 19 A. No. 20 Q. You've seen the medical records and the autopsy 21 report from that incident. If I represented that that 22 report said he was not under the influence of any 23 substances, would that be your recollection, also? 24 A. Yes.</p>	<p style="text-align: right;">73</p> <p>1 A. No. 2 MR. HAGER: That's all I have. Thank you. 3 MR. MARTIN: I have no questions. We will 4 read and sign. 5 (Deposition concluded at 12:05 p.m.) 6 - - - - - 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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<p>74</p> <p>1 TESTIMONY</p> <p>2</p> <p>3 DEPONENT: KAREN S. BARKES PAGE</p> <p>4</p> <p>5 BY MS. BALLARD..... 2</p> <p>6 BY MR. HAGER..... 72</p> <p>7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 BARKES DEPOSITION EXHIBIT NO. MARKED</p> <p>11</p> <p>12 1 - Record of Catholic Charities, Inc.,</p> <p>13 Counseling and Substance Abuse Services,</p> <p>14 interview date for Christopher Barkes,</p> <p>15 12/18/2003..... 60</p> <p>16</p> <p>17 2 - Assessment form from Christiana</p> <p>18 Care..... 64</p> <p>19</p> <p>20 3 - Prescription record from Shop Rite</p> <p>21 pharmacy..... 67</p> <p>22</p> <p>23 4 - Record from Rockford Center..... 69</p> <p>24</p>	<p>76</p> <p>CERTIFICATE OF REPORTER</p> <p>STATE OF DELAWARE)</p> <p>NEW CASTLE COUNTY)</p> <p>I, Kimberly A. Hurley, Registered Professional Reporter and Notary Public, do hereby certify that there came before me on the 24th day of September, 2007, the deponent herein, KAREN S. BARKES, who was duly sworn by me and thereafter examined by counsel for the respective parties; that the questions asked of said deponent and the answers given were taken down by me in Stenotype notes and thereafter transcribed by use of computer-aided transcription and computer printer under my direction.</p> <p>I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.</p> <p>I further certify that I am not counsel, attorney, or relative of either party, or otherwise interested in the outcome of this suit.</p> <p> <i>Kimberly A. Hurley</i></p> <p>Kimberly A. Hurley Certification No. 126-RPR (Expires January 31, 2008)</p> <p>DATED: September 27, 2007</p>
<p>75</p> <p>REPLACE THIS PAGE</p> <p>WITH THE ERRATA SHEET</p> <p>AFTER IT HAS BEEN</p> <p>COMPLETED AND SIGNED</p> <p>BY THE DEPONENT</p>	

20 (Pages 74 to 76)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES individually; TINA
GROSSMAN as next
friend of BRITTANY BARKES; TINA
GROSSMAN as next friend of ALEXANDRA
BARKES; and KAREN BARKES as administratrix)
of the ESTATE OF CHRISTOPHER BARKES,)

Plaintiffs,)

v.)

FIRST CORRECTIONAL MEDICAL,)
INC.; STANLEY TAYLOR; RAPHAEL)
WILLIAMS; CERTAIN UNKNOWN)
INDIVIDUAL EMPLOYEES OF THE STATE OF)
DELAWARE DEPARTMENT OF)
CORRECTION; CERTAIN UNKNOWN)
INDIVIDUAL EMPLOYEES)
OF FIRST CORRECTIONAL MEDICAL,)
INC.; and STATE OF DELAWARE)
DEPARTMENT OF CORRECTION,)

Defendants.)

Civil Action No. 06-104

JURY TRIAL DEMANDED

COMPLAINT

Parties

1. Plaintiff Karen Barks individually is, and at all times relevant hereto was, a resident of Wilmington, Delaware, and was the wife of decedent Christopher Barks (who is hereinafter sometimes referred to as "Mr. Barks") at the time of the death of Christopher Barks.

2. Plaintiff Tina Grossman is the mother and next friend of Brittany A. Barks (hereinafter sometimes referred to as "Brittany," date of birth August 30, 1989) and Alexandra

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U.S. DISTRICT COURT
DISTRICT OF DELAWARE

M. Barkes (hereinafter sometimes referred to as "Alexandra," date of birth March 9, 1993), who are the children of Christopher Barkes.

3. Plaintiff Karen Barkes as Administratrix of the Estate of Christopher Barkes has been appointed Administratrix of the Estate of Christopher Barkes by the New Castle County Register of Wills.

4. Defendant Stanley Taylor is the Commissioner of Correction for the State of Delaware, and in that capacity is the Chief Officer of the Department of Correction (the department will hereinafter sometimes be referred to as the "DOC.")

5. Defendant Raphael Williams is and was at all times relevant hereto the Warden of the Howard R. Young Correctional Institution (which was formerly often referred to as "Gander Hill," and which will hereinafter be referred to as "HRYCI").

6. Defendants, unknown individual employees of the DOC, were, on information and belief, involved in the care and custody of Christopher Barkes, either directly or indirectly by virtue of their obligations to properly administer such care and custody, at relevant times hereto.

7. Defendant, State of Delaware Department of Correction, is a subdivision of the State of Delaware.

8. Defendant, First Correctional Medical, Inc. (hereinafter sometimes referred to as "FCM"), is, on information and belief, a corporation responsible, at all times relevant hereto, for the performance of medical services within HRYCI pursuant to a contract with the State of Delaware.

9. Defendants, unknown individual employees of FCM, were, on information and belief, involved in the care and custody of Christopher Barkes, either directly or indirectly by virtue of their obligations to properly administer such care and custody, at relevant times hereto.

Jurisdiction

10. The United States District Court for the District of Delaware has jurisdiction over the parties and the claims by virtue of the pendency of a federal claim under 42 U.S.C. § 1983 and 28 U.S.C. §§ 1331 and 1343, and under the principles of ancillary and pendent jurisdiction as well as the supplemental jurisdiction provisions of 28 U.S.C. § 1367.

Facts

11. Christopher Barkes, whose date of birth was December 12, 1966, was found to have committed suicide at age 37 on or about November 14, 2004, while incarcerated at HRYCI.

12. Seven years prior to his suicide, in 1997, Mr. Barkes was involved in an automobile accident while under the influence of alcohol, which accident resulted in the deaths of two other involved parties.

13. As a result of his involvement in the aforesaid motor vehicle accident, Mr. Barkes pleaded guilty to two counts of vehicular homicide and was sentenced to two years in prison to be followed by an extended period of probation.

14. Mr. Barkes was deeply impacted by the tragic auto accident identified above; psychological reports relating to his frame of mind, generated as a result of treatment he received in the years after the vehicular homicide, indicate that he was wracked with extreme guilt over the deaths that had resulted from the accident, and he had been diagnosed as suffering from post-traumatic stress disorder resulting from that accident.

15. As a result of the post-traumatic stress disorder and related guilt, depression, and anxiety, certain alcohol and drug problems of Mr. Barkes were exacerbated, and in November of 2003 he attempted suicide by overdosing on pills, although he survived.

16. On information and belief, Mr. Barkes attempted suicide on at least one other occasion while incarcerated at HRYCI.

17. In February of 2004, as part of a sentencing order related to, *inter alia*, certain violations of his probation, Mr. Barkes was ordered as follows by the Family Court of the State of Delaware: to continue certain psychiatric day treatment services he was obtaining from Psychotherapeutic Services, Inc.; to attend at least five meetings of Alcoholics Anonymous per week; to be evaluated for emotional and/or psychological problems; and to take such mental health medication as was prescribed.

18. On September 10, 2004 while receiving care at Chrisitana Care Hospital, Mr. Barkes tried to kill himself using his IV tubing. Mr. Barkes' probation officers were notified.

19. On November 13, 2004 Christopher Barkes was incarcerated at HRYCI for loitering, in violation of his probation.

20. During the initial intake of Christopher Barkes, on November 13, 2004, employees of defendant FCM noted that Christopher Barkes took the following medications: Depakote XR, Seroquel and Effexor XR, whose clinical use is to treat depression and bipolar disorder.

21. Christopher Barkes was not given any of the above-listed medications by FCM personnel on November 13, 2004 or thereafter.

22. The intake form prepared at the time of Mr. Barkes' entry into HRYCI, which was signed by a member of the FCM intake nursing staff, was checked "yes" next to the inquiry, "Have you ever attempted suicide?"

23. The initial period of any incarceration is often a critical time for detecting potential suicides, as noted in the Program Statement of the United States Bureau of Prisons relating to suicide prevention.

24. Upon information and belief, instead of double-bunking Christopher Barkes (which is to say, housing him with a cellmate) or placing him in a suicide watch cell or "Ram room", Christopher Barkes was housed alone in cell F-122.

25. With regard to incarcerated individuals who have a history of suicidal ideation and are believed to be suicidal, the National Commission on Correctional Health Care ("NCCHC") calls for double-bunking and constant supervision.

26. Upon information and belief, Christopher Barkes was not placed under constant supervision nor was his status checked at regularly-scheduled intervals sufficient to prevent his suicide.

27. Upon information and belief, defendants either made provision to Christopher Barkes, or authorized the provision to Christopher Barkes, or failed to prevent the provision to Christopher Barkes, of bedding (such as bed sheets and linens) and/or other items that could be used by a suicidal inmate to harm himself.

28. Upon information and belief, at approximately 11:40 a.m. on November 14, 2004, Christopher Barkes was found unconscious in his cell by prison officials, who determined that he had hung himself with bedsheets.

29. Prison officials and/or FCM personnel attempted to revive Christopher Barkes unsuccessfully.

30. Christopher Barkes was thereafter transferred to Christiana Hospital.

31. The ER referral completed by FCM and/or DOC personnel relating to the transfer of inmate Christopher Barkes to Christiana Hospital expressly noted that Mr. Barkes had a history of bipolar disorder.

32. Christopher Barkes was pronounced dead in Christiana Hospital on November 14, 2004.

COUNT I

Violation of Civil Rights under Color of State Law, 42 U.S.C. § 1983 – Cruel and Unusual Punishment (by Karen Barkes as Administratrix against all individual defendants and FCM)

33. Paragraphs 1 to 32 are restated as if more fully set forth herein.

34. The vulnerability of Christopher Barkes to suicide constituted a serious medical need of which defendants knew or should have known, and the actions and/or inactions of defendants, under color of state law, in addressing or failing to address that need, constituted deliberate indifference which could be expected to lead to substantial and unnecessary suffering, injury, and/or death, and which did in fact lead to the death of Mr. Barkes.

35. As a result of the wrongful actions of the defendants, Mr. Barkes suffered attendant physical injuries, mental anguish, pain and suffering, and death, and was deprived of his right to life and his right to be free from cruel and unusual punishment, for which plaintiff Karen Barkes as Administratrix now seeks compensation.

COUNT II

**Violation of Civil Rights under Color of State Law, 42 U.S.C. § 1983 –
Failure to train and/or maintenance of wrongful customs, practices and policies
(by Karen Barkes as Administratrix against FCM as a person and as a state actor, and
against the individual FCM defendants)**

36. Paragraphs 1-35 are restated as if more fully set forth herein.

37. In performing its medical services for the DOC, FCM and the individual FCM defendants were state actors performing state functions under color of state law.

38. The death of Christopher Barkes was the direct result of the customs, practices, policies and procedures of FCM and the individual FCM defendants, including but not limited to: a failure to properly train and supervise FCM personnel so as to properly recognize suicidal inmates and how to properly care for inmates identified as making previous attempts on their life, and/or a failure to institute appropriate procedures for the timely transmission of important medical information to appropriate personnel.

39. The aforesaid actions of FCM and the individual FCM defendants amounts to deliberate indifference to the rights of inmates, including the rights of Mr. Barkes.

40. As a result of the wrongful actions of the defendants, Mr. Barkes suffered attendant physical injuries, mental anguish, pain and suffering, and death, and was deprived of his right to life and his right to be free from cruel and unusual punishment, for which plaintiff Karen Barkes as Administratrix now seeks compensation.

COUNT III

Violation of Civil Rights under Color of State Law, 42 U.S.C. § 1983 – Failure to train and/or maintenance of wrongful customs, practices and policies (by Karen Barkes as Administratrix against the State of Delaware Department of Corrections and the individual defendant employees of the DOC)

41. Paragraphs 1 to 40 are restated as if more fully set forth herein.

42. The death of Christopher Barkes was the direct result of the customs, practices, policies and procedures of defendant Stanley Taylor, defendant Raphael Williams, the individual DOC defendants, and the defendant State of Delaware Department of Correction, including but not limited to: a failure to properly train and supervise DOC personnel so as to properly recognize suicidal inmates and how to properly care for inmates identified as making previous attempts on their life, and/or a failure to institute appropriate procedures for the timely transmission of important medical information to appropriate personnel.

43. The aforesaid actions of defendants constitute deliberate indifference to the rights of inmates who come into contact with employees of the DOC and FCM, including the rights of Mr. Barkes.

44. As a direct and proximate result of the actions of the Defendants, Christopher Barkes suffered attendant physical injuries, mental anguish, pain and suffering, and death, and was deprived of his right to life and his right to be free from cruel and unusual punishment, for which plaintiff Karen Barkes as Administratrix now seeks compensation.

COUNT IV

Wrongful Death under 10 Del. C. § 3724 (by Karen Barkes individually and Tina Grossman as next friend of Alexandra and Brittany Barkes, against FCM and the individual defendants)

45. Paragraphs 1-44 are restated as if more fully set forth herein.

46. The aforesaid actions of the defendants caused the wrongful death of Christopher Barkes.

47. Plaintiffs are authorized to recover for the damages they have suffered as a result of the wrongful death of Christopher Barkes pursuant to the terms of 10 Del. C. § 3724, and they have suffered severe damages as identified thereunder, including but not limited to the loss of companionship and support of their husband and/or father, Christopher Barkes, with attendant and severe emotional anguish.

COUNT V

Survival action under 10 Del. C. § 3701 for medical malpractice (by Karen Barkes as Administratrix against FCM and the individual FCM defendants)

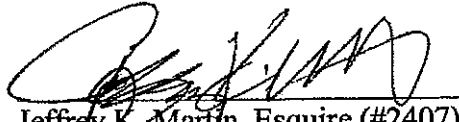
48. Paragraphs 1-44 are restated as if more fully set forth herein.

49. The aforesaid actions of the defendants constituted medical malpractice, causing great pain and suffering, physical injury, and death to Christopher Barkes.

50. Plaintiff Karen Barkes as Administratrix is authorized to recover for the damages suffered by Christopher Barkes as a result of the medical malpractice of the defendants, pursuant to 10 Del. C. § 3701.

WHEREFORE, plaintiffs demand that judgment be entered in their favor against defendants on the above claims, including awards of compensatory damages, punitive damages, costs of suit, interest, attorneys' fees under 42 U.S.C. § 1988 and any other appropriate or relevant statutory or common law basis, and such other and further relief as this Court may deem appropriate.

MARGOLIS EDELSTEIN

A handwritten signature in black ink, appearing to read 'Jeffrey K. Martin', is written over a horizontal line.

Jeffrey K. Martin, Esquire (#2407)

1509 Gilpin Avenue

Wilmington, Delaware 19806

(302) 777-4680

jmartin@margolisedelstein.com

Attorneys for Plaintiff

DATE: February 16, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, individually;
TINA GROSSMAN as next friend of
BRITTANY BARKES; TINA
GROSSMAN as next friend of
ALEXANDRA BARKES; and
KAREN BARKES as administratrix
of the ESTATE OF CHRISTOPHER
BARKES,

Plaintiffs,

v.

FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR;
RAPHAEL WILLIAMS;
CERTAIN UNKNOWN INDIVIDUAL
EMPLOYEES OF STATE OF
DELAWARE DEPARTMENT OF
CORRECTION; CERTAIN
UNKNOWN INDIVIDUAL
EMPLOYEES OF FIRST
CORRECTIONAL MEDICAL, INC.,
And STATE OF DELAWARE,
DEPARTMENT OF CORRECTION,

Defendants.

C. A. No. 06-104-JJF

ANSWER AND CROSSCLAIM OF STATE OF DELAWARE DEFENDANTS:
DEPARTMENT OF CORRECTION, STANLEY TAYLOR,
RAPHAEL WILLIAMS
AND "UNKNOWN EMPLOYEES" OF STATE OF DELAWARE

COME NOW, State of Delaware defendants, Department of Correction, Stanley Taylor, Raphael Williams and "unknown employees" of the State of Delaware, and answer plaintiff's complaint as follows: Unless expressly admitted or qualified, all of the allegations in the Complaint are generally denied.

1. Admitted, upon information and belief.

2. Defendants are currently without knowledge or information sufficient to form a belief as to the truth or falsity of this averment.

3. Defendants are currently without knowledge or information sufficient to form a belief as to the truth or falsity of this averment.

4. Admitted that Defendant Stanley W. Taylor, Jr. was appointed by the Governor of the State of Delaware as the Commissioner of the Delaware Department of Correction (DOC), and currently serves in that position.

5. Admitted.

6. Admitted that decedent, Christopher Barkes, was in the custody of DOC, at the Howard R. Young Correctional Institution (HRYCI), at or about the time of his death. Defendants are currently without knowledge or information sufficient to form a belief as to the truth or falsity of the balance of this averment.

7. Admitted that the Department of Correction is a department within the executive branch of the State of Delaware government.

8. Admitted. At all relevant times, First Correctional Medical, Inc. was responsible for the provision and performance of medical services to inmates at HRYCI as well as other State correctional institutions.

9. Defendants are currently without knowledge or information sufficient to form a belief as to the truth or falsity of this averment.

10. Admitted, upon information and belief. However State Defendants reserve all defenses, including jurisdictional defenses, which may be available to them.

11. Admitted.

12. Defendants are generally aware of this incident which resulted in a criminal conviction against Christopher Barkes. Defendants are currently without knowledge or information sufficient to form a belief as to the truth or falsity of the particulars of this averment.

13. Defendants are generally aware of this incident which resulted in a criminal conviction against Christopher Barkes. Defendants are currently without knowledge or information sufficient to form a belief as to the truth or falsity of the particulars of this averment.

14. Defendants are without knowledge or information sufficient to respond to this averment. Otherwise, denied.

15. Defendants are without knowledge or information sufficient to respond to this averment. Otherwise, denied.

16. Upon information and belief, Denied.

17. Defendants are without knowledge or information sufficient to respond to this averment.

18. Defendants are without knowledge or information sufficient to respond to this averment.

19. Admitted that on November 13, 2004, decedent, Christopher Barkes, was arrested by Wilmington Police Department, and subsequently incarcerated that same day at HRYCI. Upon information and belief, Barkes was arrested for loitering for the purpose of purchasing drugs and driving while revoked, in violation of an existing order of probation imposed as a result of a domestic violence assault conviction.

20. Defendants are without knowledge or information sufficient to respond to this averment.

21. Defendants are without knowledge or information sufficient to respond to this averment.

22. Defendants are without knowledge or information sufficient to respond to this averment.

23. This averment calls for legal and/or medical conclusions and opinions of ultimate fact to which no response is deemed necessary. Should an answer be deemed necessary, this averment is denied in its entirety.

24. Admitted, upon information and belief, that during the less than 24 hours of his incarceration on November 13-14, 2004, Christopher Barkes was housed in a cell (#122) in the Booking and Receiving area of HRYCI. Otherwise, denied.

25. This averment calls for legal and/or medical conclusions and opinions of ultimate fact to which no response is deemed necessary. Should an answer be deemed necessary, this averment is denied in its entirety.

26. Denied as alleged.

27. Denied as alleged.

28. Admitted that Christopher Barkes was found to have committed suicide on the morning of November 14, 2005. Defendants are without knowledge or information sufficient to respond to the particulars of this averment.

29. Admitted. In addition, upon information and belief, an EMT/ambulance crew was promptly called to HRYCI and attempted to resuscitate Christopher Barkes.

30. Admitted.

31. Defendants are without knowledge or information sufficient to respond to this averment.

32. Upon information and belief, Admitted.

33. Answering defendants restate and incorporate herein by reference the responses set forth in paragraphs 1 through 32 above.

34. Denied.

35. Denied.

36. Answering defendants restate and incorporate herein by reference the responses set forth in paragraphs 1 through 35 above.

37. This averment states and calls for legal conclusions to which no response is deemed necessary. Should an answer be deemed necessary, this averment is denied in its entirety.

38. This allegation is not directed to answering State defendants. To the extent an answer is required, or to the extent Plaintiffs seek to impute FCM's liability, if any, to the State, this averment is denied.

39. This allegation is not directed to answering State defendants. To the extent an answer is required, or to the extent Plaintiffs seek to impute FCM's liability, if any, to the State, this averment is denied.

40. Denied.

41. Answering defendants restate and incorporate herein by reference the responses set forth in paragraphs 1 through 40 above.

42. Denied.

43. Denied.

44. Denied.

45. Answering defendants restate and incorporate herein by reference the responses set forth in paragraphs 1 through 44 above.

46. Denied.

47. Denied.

48. Answering defendants restate and incorporate herein by reference the responses set forth in paragraphs 1 through 47 above.

49. This allegation is not directed to answering State defendants. To the extent an answer is required, or to the extent Plaintiffs seek to impute FCM's liability, if any, to the State, this averment is denied.

50. This allegation is not directed to answering State defendants. To the extent an answer is required, or to the extent Plaintiffs seek to impute FCM's liability, if any, to the State, this averment is denied.

RELIEF

1. It is specifically denied that plaintiffs are entitled to damages, including compensatory damages, punitive damages and/or attorneys' fees.

2. It is specifically denied that plaintiffs are entitled to any relief.

3. Plaintiffs are not entitled to punitive damages for liability, if any, under 10 Del.C. §3724.

AFFIRMATIVE DEFENSES

1. The State defendants are immune from liability to plaintiffs under the doctrine of sovereign immunity.

2. The State defendants are immune from liability under the Eleventh Amendment of the United States Constitution.

3. The State of Delaware, Department of Correction, and State defendants in their official capacities are not subject to suit or liable for alleged violations of plaintiff=s constitutional rights as they are not "persons" pursuant to 42 U.S.C.A. §1983.

4. Officials and employees of the State of Delaware acting in good faith within the scope of their employment and without knowingly violating well established federal rights, are entitled to qualified immunity and cannot be held liable in this action.

5. The State defendants are immune from liability to the plaintiff under the Delaware State Tort Claims Act. 10 Del.C. §4001 *et. seq.*

6. Individual defendants cannot be held liable in the absence of personal involvement for alleged constitutional deprivations.

7. To the extent the Plaintiffs seek to hold the defendants liable based on supervisory responsibilities, the Doctrine of Respondeat Superior is not a basis for liability in an action under 42 U.S.C.A. §1983.

8. To the extent Plaintiffs' claims sound in negligence, Plaintiffs cannot state a cause of action under 42 U.S.C.A. §1983.

9. Plaintiffs fail to state a claim against State defendants for failure to train and maintenance of wrongful customs, practices and policies.

10. Plaintiffs fail to state a claim against State defendants for violation of the Eighth Amendment as a result of denial of medical care.

11. Decedent's illness, if any, existed prior to the date of the alleged wrongful conduct by defendants.

12. The extent of Decedent's illness, if any, was not known to or reasonably ascertainable by Defendants prior to his death.

13. Decedent's injuries, and Plaintiffs' damages, if any, resulted from an intervening and superseding cause.

14. Decedent contributed to his injuries, including, but not necessarily limited to, concealing his illness (if any) and/or the extent of his illness, proximately causing his own injuries and Plaintiffs' damages, if any, arising from the alleged incident.

15. Plaintiffs otherwise fail to state a claim upon which relief may be granted.

**STATE DEFENDANTS' CROSSCLAIM AGAINST
FIRST CORRECTIONAL MEDICAL, INC. (FCM), FOR
CONTRACTUAL DEFENSE AND INDEMNIFICATION**

JURISDICTION

1. The District Court has jurisdiction over the State Defendants' crossclaim against FCM pursuant to 28 U.S.C.A. §§ 1367, as well as Federal Rules of Civil Procedure 13(g) and 18.

COUNT I

CONTRACTUAL INDEMNIFICATION

2. The State of Delaware Department of Correction and Defendant, First Correctional Medical-Delaware, L.L.C. (FCM), were parties to a contract for the provision of medical services to the Delaware Department of Correction's inmate population, applicable and effective during November, 2004, and at all relevant times to this action.

3. The contract specifically created in co-defendant, First Correctional Medical-Delaware, L.L.C., a clear and unequivocal duty to

hold harmless, indemnify and defend the DOC [Department of Correction], the State of Delaware and their agents, employees or officers . . . from any and all suits, actions, losses, liability, damages (including punitive damages), expenses, reasonable attorney fees (including salaries of attorneys regularly employed by the State of Delaware), judgments or settlements . . . arising out of the provision of health care services by FCM, its employees, or subcontractors under the contract, including direct or indirect negligence or intentional acts of omission or commission, and professional malpractice regardless of any intentional acts o[r] omissions or commission by employees or officials of the DOC.

(6/17/02 Contract, ¶8. Hereinafter referred to as the “hold harmless provision”).

4. All conditions precedent to recovery under the contract, if any, have been satisfied or waived.

5. According to the contract and the language of the hold harmless provision, the State Defendants are third-party beneficiaries of the contract.

6. State Defendants have been required to be represented by the undersigned counsel rather than an attorney provided by co-defendant First Correctional Medical.

7. The State of Delaware Department of Correction has been required to expend public funds necessary to the litigation of this matter.

8. Injuries, if any, to decedent and Plaintiffs were proximately caused by the actions, omissions and/or professional malpractice of defendant, First Correctional Medical.

9. The State Defendants deny any liability arising out of any allegation by any party in this litigation. Defendant, First Correctional Medical, is liable for defense and indemnification of the State and State Defendants under the hold harmless provision

even if the State and/or any State Defendant is found to have engaged in negligent, intentional or other conduct resulting in injury and liability to decedent and/or plaintiffs.

COUNT II

COMMON LAW INDEMNIFICATION

10. The State Defendants incorporate by reference paragraphs 1 – 9 of the crossclaim as if more fully set forth herein.

11. The State Defendants deny any liability arising out of any allegation by any party in this litigation. To the extent Plaintiffs are successful in recovering any award against any State Defendant, the State Defendants are entitled to be held harmless, defended, and indemnified pursuant to the express language of the hold harmless provision of the contract.

12. Should the Court rule that any portion of the contract or the hold harmless provision is inapplicable or void, the State Defendants are entitled to common law indemnification in the alternative. In the event that any State Defendant is found liable to the Plaintiffs, then the State Defendants cross-claim against co-defendant First Correctional Medical, whose negligence was the primary and proximate cause of any and all damage sustained by the Plaintiffs, and for which the State Defendants, if liable at all, are only secondarily liable. The State Defendants are therefore entitled to common law indemnification in the event that their claim for contractual indemnification is rejected by the Court.

13. With respect to any state law claim for negligence or any recovery thereunder, the State Defendants' cross-claim against co-defendant First Correctional

Medical, to have the relative degrees of fault apportioned pursuant to the Uniform Contribution Among Tortfeasors Law, 10 Del. C. § 6301, *et seq.*

WHEREFORE, State Defendants demand that judgment be entered in their favor as to all claims, and against the plaintiffs as to all claims, and that costs and attorney fees be awarded to the State Defendants. The State Defendants further demand that judgment be entered in their favor as to the instant cross-claim and that costs and attorney fees incurred in relation thereto be awarded to the State Defendants.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stephani J. Ballard
STEPHANI J. BALLARD (ID # 3481)
Deputy Attorney General
State of Delaware
Department of Justice
Carvel State Office Building
820 North French Street
Wilmington, DE 19801
(302) 577-8400
Attorney for State Defendants

DATED: April 7, 2006

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, et. al.,

Plaintiffs,

v.

**FIRST CORRECTIONAL MEDICAL
INC.; et.al.,**

Defendants.

C. A. No. 06-104-JJF

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on April 7, 2006, she caused the attached, *Answer and Crossclaim of State of Delaware Defendants: Department of Correction, Stanley Taylor, Raphael Williams and "Unknown Employees" of State of Delaware*, to be electronically filed with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Jeffrey K. Martin, Esquire
Margolis Edelstein
1509 Gilpin Avenue
Wilmington, DE 19806

Daniel L. McKenty
McCullough & McKenty
1225 N. King Street, Suite 1100
P.O. Box 397
Wilmington, DE 19899-0397

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302)577-8400
Attorney for State Defendants

A000053

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

KAREN BARKES, et al.)	
)	
)	
Plaintiffs)	C.A. No. 06-104
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL, INC., et al.)	JURY OF 12 DEMANDED
)	
)	
Defendants.)	

**FIRST CORRECTIONAL MEDICAL'S ANSWER TO STATE DEFENDANTS' CROSS-
CLAIM AGAINST FIRST CORRECTIONAL MEDICAL FOR CONTRACTUAL
DEFENSE AND INDEMNIFICATION**

1. Admitted.
2. Admitted.
3. Denied. By way of further answer, the contractual language speaks for itself.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Wrongful conduct by answering defendant is denied and it is hereby denied that any actions of the answering defendant caused any illnesses, injuries, or damages of any nature to the plaintiff.
9. Denied.
10. Answering defendants incorporate by reference paragraphs 1-9 of the Answer to the Cross-claim as if more fully set forth herein.

11. Denied.

12. Denied.

13. Denied. By way of further answer, co-defendant's paragraph 13 is nonsensical.

WHEREFORE, defendant First Correctional Medical demands that the action against it be dismissed and that it be awarded the costs of defense of this action.

FIRST AFFIRMATIVE DEFENSE

This claim is barred by the doctrine of Accord and Satisfaction.

SECOND AFFIRMATIVE DEFENSE

This claim is barred by State Defendants' Assumption of Risk.

THIRD AFFIRMATIVE DEFENSE

This claim is barred by State Defendants' Comparative Negligence.

FOURTH AFFIRMATIVE DEFENSE

This claim is barred by the doctrine of Estoppel.

FIFTH AFFIRMATIVE DEFENSE

This claim is barred for Failure of Consideration.

SIXTH AFFIRMATIVE DEFENSE

This claim is barred by Laches.

SEVENTH AFFIRMATIVE DEFENSE

State Defendants failed to state a claim upon which relief may be granted.

EIGHTH AFFIRMATIVE DEFENSE

The indemnification clause cited by State Defendants does not indemnify the State for acts of negligence committed by State Employees.

McCULLOUGH & McKENTY, P.A.

/s/ Dana Spring Monzo

Daniel L. McKenty, Del. Bar No. 2689

Dana Spring Monzo, Del. Bar No. 4605

1225 N. King Street, Suite 1100

P.O. Box 397

Wilmington, DE 19899-0397

(302) 655-6749

Attorneys for First Correctional Medical, Inc.

Dated: June 12, 2006

A000056

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

KAREN BARKES, et al.)	
)	
)	
Plaintiffs)	C.A. No. 06-104
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL, INC., et al.)	JURY OF 12 DEMANDED
)	
Defendants.)	

CERTIFICATE OF SERVICE

I, Dana Spring Monzo, hereby certify that on this date a copy of the attached *First Correctional Medical's Answer to State Defendants' Cross-Claim Against First Correctional Medical for Contractual Defense and Indemnification*, was efiled and served via first class mail upon the following:

Jeffrey K. Martin, Esquire
Margolis Edelstein
1509 Gilpin Ave.
Wilmington, DE 19806

Stephanie J. Ballard, Esquire
Delaware Department of Justice
Carvel State Office Building, 6th Floor
820 N. French Street
Wilmington, DE 19801

A000057

McCULLOUGH & McKENTY, P.A.

/s/ Dana Spring Monzo

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Wilmington, DE 19899-0397

(302) 655-6749

Attorneys for First Correctional Medical, Inc.

Dated: June 12, 2006

A000058

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et al.)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 06-104-JJF
)	
FIRST CORRECTIONAL)	
MEDICAL, INC, et al.,)	
)	
Defendants.)	

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2 **within 30 days after the date of entry of this Order.**

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **January 31, 2007**.

3. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact Magistrate Judge Thyng to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. **Discovery.**

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by August 31, 2007.

(b) Maximum of 25 interrogatories by each party to any other party.

(c) Maximum of 50 requests for admission by each party to any other party.

(d) Maximum of 15 depositions by plaintiff(s) and 15 by defendant(s).

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff(s) by May 31, 2007 ; from the defendant(s) by July 31, 2007 .

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

5. Discovery Disputes.

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at jjf_civil@ded.uscourts.gov that the parties have completed briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

6. Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before January 31, 2007.

7. Case Dispositive Motions. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before October 15, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

8. Applications by Motion.

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. Pretrial Conference and Trial. After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

8/28/06
DATE

Joseph D. Farnsworth
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et al.

Plaintiffs,

V.

**FIRST CORRECTIONAL
MEDICAL, INC.,
STANLEY TAYLOR, et al.,**

Defendants.

C. A. No. 06-104-JJF

STATE DEFENDANTS'
RULE 26(a)(1) INITIAL DISCLOSURES

Defendants Department of Correction, Stanley Taylor, Raphael Williams, and “Unknown Employees” of the State of Delaware (“State Defendants”) disclose the following information in compliance with Rule 26(a)(1) of the Federal Rules of Civil Procedure and the Scheduling Order in this matter. These disclosures are based on information reasonably available to State Defendants as of this date. Continuing investigation and discovery may alter these disclosures. State Defendants reserve the right to supplement the information disclosed below if additional information becomes available.

By making these disclosures, State Defendants do not represent that they are identifying every document, tangible thing, or witness possibly relevant to this claim. Nor do State Defendants waive their rights to object to the production of any document or tangible thing disclosed on the basis of any privilege, the work-product doctrine, relevancy, undue burden or any other valid objection. State Defendants' disclosures represent a good faith effort to identify information they reasonably believe is required by

Rule 26(a) (1).

State Defendants' disclosures are made without waiver of: 1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay or other proper ground, 2) the right to object to the use of any such information, for any purpose, in whole or in part, in any other action; and 3) the right to object on any and all proper grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

All of the disclosures set forth below are made subject to the above objections and qualifications.

(A) Individuals likely to have discoverable information in support of Defendants' defenses.

1. John Polk, Department of Correction;
2. Dorene Fields, Department of Correction;
3. Stephen Martelli, Department of Correction;
4. Sandra Rayne, Department of Correction;
5. Fred Way, Department of Correction;
6. Perry Phelps, Department of Services for Children, Youth and Their Families, (formerly of Department of Correction);
7. Paul Howard, Department of Correction;
8. Nurse Colleen Bell, First Correctional Medical;
9. Nurse Courtney Kenton, First Correctional Medical;
10. Nurse Gabriel Termilus, First Correctional Medical;
11. Nurse Jackie, First Correctional Medical;
12. Unknown intake Nurse on duty 11/13/04, First Correctional Medical;

13. Other unknown medical personnel employed by First Correctional Medical;

14. Jennie Vershovsky, M. D., Assistant Chief Medical Examiner

In addition, State Defendants reserve their rights, pursuant to Rule 26(e) to identify additional witnesses. State Defendants further reserve the right to identify and call any witnesses listed by the Plaintiff or other Defendant(s).

(B) Documents that may be used to support State Defendants' defenses (copies [Bates # 001-00151] are being produced along with these disclosures):

1. Contents of Plaintiff's Institutional file, including but not limited to disciplinary, inmate grievance, classification, institutional records, criminal/sentencing information and related documentation contained therein;

2. Any and all medical examination reports and records applicable to the Plaintiff while incarcerated within the custody of the Department of Correction. All known records from Christopher Barks' medical file maintained by DOC are being produced herewith;

3. DOC Incident reports and documents pertaining to the events of November 14, 2004;

4. State of Delaware Department of Health and Human Services Certificate of Death and Autopsy Report.

State Defendants reserve their rights, pursuant to Rule 26(e) to identify additional documents. State Defendants further reserve the right to identify and utilize any document listed by the Plaintiff.

(C) Experts and their opinions: Damage Computation.

State Defendants have not yet retained any experts, but reserve the right to do so, and will supplement this response as required by Rule 26(a).

(D) Insurance Agreements in force:

None. State Defendants further disclose that no such insurance exists.

(E) Basis for any damages claimed:

State Defendants have filed a counter-claim for damages. The State of Delaware Department of Correction and Defendant, First Correctional Medical-Delaware, L.L.C./FCM Inc. (FCM), were parties to a contract for the provision of medical services to the Delaware Department of Correction's inmate population, applicable and effective during November, 2004, and at all relevant times to this action. Pursuant to the terms of that contract, FCM is liable for defense and indemnification of damages assessed against the State and State Defendants (if any) under the "hold harmless" provision. In the alternative, State Defendants are entitled to common law indemnification by FCM.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302)577-8400

Attorney for State Defendants

Dated: September 26, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et al.

Plaintiffs,

v.

**FIRST CORRECTIONAL
MEDICAL, INC.,
STANLEY TAYLOR, et al.,**

Defendants.

C. A. No. 06-104-JJF

NOTICE OF SERVICE

The undersigned certifies that on September 26, 2006, she caused the **STATE DEFENDANTS' RULE 26(a) DISCLOSURES** to be delivered to the following persons in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Jeffrey K. Martin, Esquire
Margolis Edelstein
1509 Gilpin Ave.
Wilmington, DE 19806

Dana Spring Monzo, Esquire
McCullough & McKenty
1225 N. King St., Ste. 1100
P.O. Box 397
Wilmington, DE 19899-0397

MANNER OF DELIVERY:

 X Two true copies by first class mail, postage prepaid, to each recipient

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for State Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et. al	:	
	:	
Plaintiffs,	:	C.A. No. 06-104(JJF)
	:	
v.	:	
	:	JURY TRIAL DEMANDED
FIRST CORRECTIONAL MEDICAL,	:	
INC., STANLEY TAYLOR, et. al	:	
	:	
Defendants.	:	

PLAINTIFFS' RULE 26(a)(1) INITIAL DISCLOSURES

Plaintiffs, Karen Barkes, et. al., by and through their undersigned attorney, hereby exchanges the following Pre-Discovery Disclosures, pursuant to Fed. R. Civ. P. 26(a)(1).

RESERVATIONS

1. Plaintiff's Initial Disclosures are made without waiver of, or prejudice to, any objections Plaintiffs may have. Plaintiffs expressly reserves all objections, including, but not limited to: (a) relevance; (b) attorney-client privilege; (c) work-product protection; (d) any other applicable privilege or protection under federal or state law; (e) undue burden; (f) materiality; (g) overbreadth; (h) the admissibility in evidence of these Initial Disclosures of the subject matter thereof; and (i) producing documents containing information disclosed or transmitted to any state or federal agency, to the extent such information is confidential and not required to be disclosed under applicable law. All objections are expressly preserved, as are Plaintiffs' right to move for a protective order. Plaintiffs reserve the right to retract any inadvertent disclosures of information or documents that are protected by the attorney-client privilege, the work product doctrine or any other applicable protection.

2. Plaintiffs has not completed their investigation of this case and reserve the right to clarify, amend, modify, or supplement the information contained in these Initial Disclosures if and when it obtains supplemental information, to the extent required by the Federal Rules of Civil Procedure.

3. Plaintiffs' Initial Disclosures are made subject to and without limiting any of the foregoing.

INITIAL DISCLOSURES

I. The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

ANSWER:

1. Karen Barks, 3111 Crystal Court, Wilmington, DE 19810.
2. Tina Grossman, 21 Hilton Road, Wilmington, DE 19810.
3. Stanley Taylor, Chief Officer of the Department of Corrections, 245 McKee Road, Dover, Delaware 19904; Commissioner of Corrections for the State of Delaware.
4. Raphael Williams, Warden of the Howard R. Young Correctional Facility, 1301 East 12th Street Wilmington, DE 19801.
5. John Polk, Department of Corrections, 245 McKee Road, Dover, Delaware 19904.

6. Dorene Fields, Department of Corrections, 245 McKee Road, Dover, Delaware 19904.
7. Stephen Martelli, Department of Corrections, 245 McKee Road, Dover, Delaware 19904.
8. Sandra Payne, Department of Corrections, 245 McKee Road, Dover, Delaware 19904.
9. Fred Way, Department of Corrections, 245 McKee Road, Dover, Delaware 19904.
10. Paul Howard, Bureau Chief of the Department of Corrections, 245 McKee Road, Dover, Delaware 19904.
11. Frederick Villars, M.D., Wilmington Hospital, 501 West 14th Street, Wilmington, DE 19801.
12. Perry Phelps; Department of Services for Children, Youth and Their Families, 1825 Faulkland Road, Wilmington, DE 19805-1195.
13. Jennie Vershovovsky, Assistant Chief Medical Examiner, 200 South Adams Street, Wilmington, DE 19801.
14. Mariam Mammen, M.D., Wilmington Hospital, 501 West 14th Street, Wilmington, DE 19801.
15. Debbie L. Fitzgerald, a nurse at Christiana Care, Department of Psychiatry, 501 West 14th Street, Wilmington, DE 19801.
16. Anita Matos, a nurse at Christiana Care, , Department of Psychiatry, 501 West 14th Street, Wilmington, DE 19801

17. Gaber Yaccub, M.D., Rockford Center, 100 Rockford Drive, Newark, DE 19713.

18. Alex Jacobsen, M.D., Rockford Center, 100 Rockford Drive, Newark, DE 19713.

19. Tracy D. Frazier, associate with David Kalkstein, MD, Ph.D, and Associates, 3411 Silverside Road, Hagley Building, Suite 102, Wilmington, DE 19810.

20. Erin E Chudzik-Pryor, an EMT with New Castle County, New Castle County Government Center, 87 Reads Way, New Castle, DE 19720.

21. Aaron M. Tarpine, , an EMT with New Castle County, New Castle County Government Center, 87 Reads Way, New Castle, DE 19720.

22. Arthur T. Pastorius, BS,CAC, Mermont Treatment Center, 100 Yearsley Mill Road, Lima, PA 19063-5593.

23. Joseph A Mallory, CA, Mermont Treatment Center, 100 Yearsley Mill Road, Lima, PA 19063-5593.

24. Laynette Graves, CA, Mermont Treatment Center, 100 Yearsley Mill Road, Lima, PA 19063-5593.

25. Carolyn Wolf, CA, director of PSI Day Treatment Center, Woodmill Drive, Suite 34, Wilmington, DE 19808

II. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the parties that are relevant to disputed facts alleged with particularity in the pleadings.

ANSWER:

1. Any and all medical records from First Correction Medical from November 14, 2004.
2. Any and all medical records from Christiana Care Health Services from November 14 and on and immediately prior to November 14, 2004.
3. Any and all medical records while under treatment of David Kalkstein, M.D., Ph.D.
4. Any and all medical records from Mirmont Treatment Center.
5. Any and all medical records from Christiana Care Health Services from September 10, 2004.
6. Any and all medical records from stays at Rockford Center.
7. Any and all medical records while under care of PSI Day Treatment Program.
8. Any and all medical records from various visits to the Emergency Room at Christiana Care Health Services facilities.
9. Any and all medical records from Christiana Care Health Services while under care of Frederick Villars, M.D.

III. A computation of any category of damages claimed by the disclosing parties, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

ANSWER:

To be provided at a later date.

IV. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

ANSWER:

Not applicable.

MARGOLIS EDELSTEIN

Jeffrey K. Martin, Esquire (Del. Bar #2407)
1509 Gilpin Avenue
Wilmington, DE 19806
(302) 777-4680
(302) 777-4682 fax
jmartin@margolisedelstein.com
Attorney for Plaintiffs

Dated: November 10, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, et. al

Plaintiffs,

v.

**FIRST CORRECTIONAL MEDICAL,
INC., STANLEY TAYLOR, et. al**

Defendants.

C.A. No. 06-104(JJF)

JURY TRIAL DEMANDED

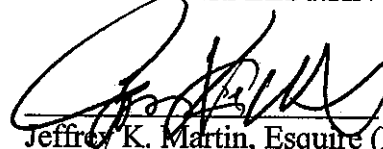
CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2006 I electronically filed the attached
Plaintiffs' Pre-Discovery Disclosures with the Clerk of the Court using CM/ECF which
will send notification of such filing to the following attorneys of record below:

Stephani J. Ballard, Esquire
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19801

Dana M. Spring-Monzo, Esquire
McCullough & McKenty, P.A.
1225 King Street
Suite 100
P.O. Box 397
Wilmington, DE 19899-0397

MARGOLIS EDELSTEIN



Jeffrey K. Martin, Esquire (Del Bar #2407)
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(302) 777-4680
(302) 777-4682 (fax)
Attorney for the Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**KAREN BARKES, individually;
TINA GROSSMAN as next friend of
BRITTANY BARKES; TINA
GROSSMAN as next friend of
ALEXANDRA BARKES; and
KAREN BARKES as administratrix
of the ESTATE OF CHRISTOPHER
BARKES,**

Plaintiffs,

v.

**FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR;
RAPHAEL WILLIAMS;
CERTAIN UNKNOWN INDIVIDUAL
EMPLOYEES OF STATE OF
DELAWARE DEPARTMENT OF
CORRECTION; CERTAIN
UNKNOWN INDIVIDUAL
EMPLOYEES OF FIRST
CORRECTIONAL MEDICAL, INC.,
And STATE OF DELAWARE,
DEPARTMENT OF CORRECTION,**

Defendants.

C. A. No. 06-104-JJF

**PLAINTIFFS' RESPONSES TO STATE DEFENDANTS' FIRST SET OF
INTERROGATORIES**

INTERROGATORY NO. 1: To the extent you contend that a State Defendant violated the Plaintiffs' or decedent's clearly established constitutional rights, state with particularity and specificity as to each defendant the factual basis for your

contention, and identify all individuals with knowledge, documents or tangible physical evidence that support your contentions.

RESPONSE:

1) **Raphael Williams was Warden of the Howard R. Young Correctional Institution when Christopher Barkes was previously incarcerated and attempted suicide. He is responsible for the welfare of all inmates during their stay at HRYCI.**

2) **Department of Correction is responsible for all incarcerated inmates at HRYCI. Upon information and belief, DOC failed to provide constant supervision and placed Christopher Barkes in a single cell with bedding and/or other items that could be used by a suicidal inmate to harm himself.**

3) **Further discovery is needed to determine the extent of the violations and the identities of the violators.**

INTERROGATORY NO. 2: Describe in detail the circumstances, including the date, manner and location, surrounding prior alleged suicide attempts by Christopher Barkes referenced in your Complaint as follows:

- (a) paragraph #15 of your Complaint, referencing a suicide attempt by Barkes in November of 2003;
- (b) paragraph #16 of your Complaint, referencing an alleged additional suicide attempt by Barkes while he was incarcerated at Howard R. Young Correctional Institution (HRYCI);
- (c) paragraph #18 of your Complaint, referencing an alleged additional suicide attempt by Barkes on September 10, 2004, at Christiana Hospital;
- (d) As to the alleged 9/10/04 attempt referenced in paragraph #18, please also identify the names of the "probation officers" whom you allege were "notified" of this attempt, and the date(s) and manner of notification;

(e) please identify any other prior suicide attempts by Christopher Barkes of which you are aware.

RESPONSE:

(a) In November 2003, Christopher Barkes was staying with his Aunt Helen Young at 14 Ruby Drive in Claymont, DE. Plaintiff Karen Barkes had talked to him a few times during the day. Decedent was depressed over his recent drug use and stated that he saw no end to the pain that he felt over his mistakes in his life. He took a number of prescription pills that he had and called his father, Raymond Barkes. Raymond Barkes then called the ambulance and Aunt Helen. Decedent was then taken by ambulance to Wilmington Hospital where his stomach was pumped. He was admitted for being suicidal.

(b) Decedent was serving time at Gander Hill for the accident in 1997. He collected a number of pills until he got enough that he thought would kill him. Decedent was then taken to St. Francis Hospital where he stayed four (4) days before going back to Gander Hill.

(c) On September 10, 2004, Decedent was found by a probation officer at a friend's house in an intoxicated condition. He was taken to Wilmington Hospital because of his breathalyzer reading. While they were waiting for treatment, Decedent tried to hang himself with a sheet and IV tubing. Decedent was admitted to the Rockford Center for being suicidal.

(d) Decedent tried to overdose on an unknown illegal drug to kill himself. He made a statement to Plaintiff Karen Barkes about not being worthy to be alive when two (2) people were dead because of his mistake. When he became

unconscious, Karen Barkes called 911. The police and an ambulance revived him and took him to the hospital.

(e) Unaware of any others except those documented above.

INTERROGATORY NO. 3: Describe in detail the incident(s) surrounding a domestic altercation between Christopher Barkes and his wife, Karen Barkes, on or about November 21, 2003, that led to Christopher Barkes entering a guilty plea, on or about December 17, 2003, to a charge of offensive touching.

RESPONSE:

After Decedent's first hospitalization at Rockford, he was prescribed Zoloft. He was complaining about feeling like "jumping out of his skin", "like [he] could climb the walls", and feeling highly manic. Decedent called the doctor who told him to keep taking the Zoloft. He had tried to drink alcohol to bring himself "down" from the Zoloft. Decedent began arguing with his wife. As Karen Barkes was trying to get him to agree to go back to the hospital, he open-hand slapped Karen Barkes across the face. Karen Barkes called the police hoping police could help her get Decedent to the hospital.

INTERROGATORY NO. 4: Describe in detail the incident(s) surrounding a domestic altercation between Christopher Barkes and his wife, Karen Barkes, on or about January 29, 2004, that led to Christopher Barkes entering a guilty plea, on or about February 17, 2004, to a charge of Assault Third Degree.

RESPONSE:

Decedent had started drinking again and he was arguing with his wife. As Karen Barkes was walking into the dining room, Decedent threw the phone striking Karen Barkes in the arm.

INTERROGATORY NO. 5: Please provide a detailed description of the activities of Christopher Barkes (including places and names of persons visited; job duties or social events attended; court or probation/parole appearances; medical appointments, if any) which took place between November 3, 2004 and November 13, 2004, inclusive. Please specifically note any contacts between Christopher Barkes and any of the plaintiffs and/or his children during that time.

RESPONSE:

Decedent was very involved with both of his girls' sporting events. On November 7, 2004, he went to Alexandra's volleyball game at Immaculate Heart of Mary. Tina Grossman, Decedent's former spouse, talked by phone with Decedent on Sunday, November 10, while Decedent was living with his Aunt Helen. Decedent expressed that he wanted to take the girls to Mass and to see his mother on the 14th of November, his mother's birthday.

INTERROGATORY NO. 6: Describe in detail the incident(s) that led to Barkes' arrest, and subsequent incarceration at HRYCI, on November 13, 2004.

RESPONSE:

On November 13, 2004, Decedent was due to arrive at Karen Barkes's home at 12 noon. Around 5 p.m., Karen Barkes got a call from Decedent stating that he was in Gander Hill.

INTERROGATORY NO. 7: Identify the name of provider, address, inclusive dates of treatment, and whether inpatient or outpatient, as to any hospitalizations, and/or medical, psychological, psychiatric, detoxification or counseling treatment of Christopher Barkes for issues pertaining his use or abuse of drugs and/or alcohol, at any point during his life.

RESPONSE:

Doctor's: Dr. Privit and Tracy Frazer from Kalkstein Associates

Rehabilitation Centers: Mirimont; 100 Yearsley Road, Media, PA 18101

Net Detox 3315 Kirkwood Highway, Wilmington, DE 19808

North East Treatment Centers

Outpatient Facilities:

Open Door

Catholic Charities

PSI

Hospitals:

Rockford Center, 100 Rockford Drive, Newark, DE

Meadowood, 575 South DuPont Highway, New Castle, DE

19720

Christiana Care's Wilmington Hospital

INTERROGATORY NO. 8: Identify the name, address, medical specialty and practice group (if any), of all physicians who were actively treating Christopher Barkes as of November 13, 2004, including, but not limited to, specific identification of those physicians who prescribed the medications you identify at paragraph #20 of your Complaint, and the conditions or diagnoses for which these medications were prescribed to Barkes. Please also identify the name and address of all pharmacies where Christopher Barkes would have filled prescriptions within 2 years prior to November 13, 2004.

RESPONSE:

Pharmacies included: Target, 1050 Brandywine Blvd. Wilmington, DE 19810

Shoprite, 1300 Rocky Run Parkway, Wilmington, DE 19810

Medco Pharmacies – a mail-order pharmacy

INTERROGATORY NO. 9: Describe in detail the factual bases for your allegations in paragraphs 24, 26 and 27 that, as of November 13, 2004, upon his admission to HRYCI, Christopher Barkes was manifesting any suicidal ideations or threats, or otherwise indicating that he was, *at that time*, at risk for suicide. As part of your answer, please specifically describe what behavior(s) (if any) by Christopher Barkes should have alerted State Defendants and/or defendant FCM that suicide precautions should have been taken as to Barkes upon his admission to HRYCI.

RESPONSE:

The police report stated that Decedent was in the cell alone. Plaintiff will supply further responses upon receipt of discovery response from Defendants.

INTERROGATORY NO. 10: Please provide the names, last known addresses and phone numbers of any family, friends, coworkers or other acquaintances of Christopher Barkes who had witnessed any suicidal behavior, ideation or threats of suicide by Barkes, and describe in detail the circumstances and the behavior of Barkes observed by each.

RESPONSE:

Helen Young (Decedent's aunt) 14 Ruby Drive, Claymont, DE 19703

Raymond Barkes (Decedent's father) 5952 Maury Avenue, Woodland Hills, CA 91367

Helen Young was with Decedent when he attempted the suicide attempt with pills. Decedent had called his father Raymond and spoke to him after taking the pills

INTERROGATORY NO. 11: Please provide the names, last known addresses and phone numbers of any family, friends, coworkers or other acquaintances of Christopher Barkes who had witnessed problematic use or abuse of alcohol and/or drugs (prescription or non-prescription) by Barkes, and describe in detail the circumstances and the behavior of Barkes observed by each.

RESPONSE:

Scott Herr, South Avon Drive, Claymont, De 19703. Scott was a friend of Decedent who talked to him about Decedent's drug/alcohol problem. They discussed Decedent's mental health issues and guilt over the accident.

INTERROGATORY NO. 12: Identify any and all drugs, narcotics, prescriptions, and medications (whether legal or illegal) Barkes has used in the past, or was using prior to his November 13, 2004 incarceration; please note specifically any substances as to which Barkes was diagnosed with and/or treated for addiction.

RESPONSE:

Illegal: pot, cocaine, and opiates

Legal: Lexapro, Zoloft, Flexeril, Zyrtec, Patenol. Flonase, Effexor, Seroquil, and Depakote

INTERROGATORY NO. 13: Please describe in detail any alleged mental, emotional, psychological, behavioral and/or substance abuse problems Barkes was ever diagnosed with or treated for; identify the date on which either you or Barkes became aware of such information; identify all persons having knowledge of such information including any treating doctors, psychologist or psychiatrists; provide the nature of any diagnosis or prognosis rendered; and identify all documents referring or relating to such information.

RESPONSE:

See previously provided information in interrogatory #7.

INTERROGATORY NO. 14: Please describe in detail any alleged mental, emotional, psychological, behavioral and/or substance abuse problems *any plaintiff* (including minor children) has ever been diagnosed with or treated for; identify all persons having knowledge of such information including any treating doctors,

psychologist or psychiatrists; provide the nature of any diagnosis or prognosis rendered; and identify all documents referring or relating to such information.

RESPONSE:

Straight, Inc. in Springfield, VA (no longer exists) November 1984 to November 1986 for drug and alcohol abuse

Therapist: Jane Anderson for treatment for PTSD

INTERROGATORY NO. 15: Identify:

a. any and all places where Christopher Barkes actually resided from December 12, 1984 to November 13, 2004, with dates of residence as to each; and

b. for every residence provided in subparagraph (a) provide the names and present addresses of all person(s) with whom Barkes resided;

c. Please identify specifically where Christopher Barkes actually resided (whether or not considered a "permanent" address) as of November 12, 2004.

RESPONSE:

(a) **1984-1987: 5952 Maury Avenue, Woodland Hills, California 91367 with his parents and 4-5 siblings;**

1987-1989: 14 Ruby Court, Claymont, DE 19703, with his Uncle Tom and Aunt Helen.

1989-1991: 914 Governor Circle, Wilmington, DE 19809 with his wife Tina and their daughter, Brittany Barkes.

1991-1995: 118 Homewood Road, Wilmington, DE 19803 with Tina, and daughters, Brittany and Alexandra.

1995-1996: no place in particular.

1996-1999: incarcerated for 2.5 years

1999-2002: 14 Ruby Court, Claymont, DE 19703, with his Aunt Helen.

2002-2004: 3111 Crystal Court, Wilmington, DE 19810 with Karen Barkes, Brittany Barkes, and Alexandra Barkes (part time)

(b) included in above.

(c) 14 Ruby Drive, Claymont, DE 19703

INTERROGATORY NO. 16: Identify the dates of marriage and names of spouse(s), as to all marriages by Christopher Barkes; date(s) of divorce, or separation, if any, and the names and birth dates of all children arising out of the marriage(s). Please also identify the names, addresses, birth dates and mothers' names and addresses, of all children of Christopher Barkes in addition to those arising out of his marriage(s).

RESPONSE:

1) April 28, 1989 married Tina Marie Grossman; divorced in March 1996. Daughter Brittany Ann was born August 30, 1989 and daughter Alexandra Marie was born March 9, 1993.

2) April 5, 2003 Christopher Barkes married Karen Undercuffle.

INTERROGATORY NO. 17: State and identify all compensatory, statutory, punitive, and future damages, including both general and special damages, that each specific Plaintiff claims as a result of the Defendants' alleged conduct and include the basis for your calculations of those amounts, if any.

RESPONSE:

To be provided at a later date.

INTERROGATORY NO. 18: Identify all employment Christopher Barkes had in the fifteen (15) years prior to his death, including the name and address of each employer, name of supervisor, dates of employment, rate of pay, job title and responsibilities, and reason for termination.

RESPONSE:

1989 to 1993: Sears, Market Street, Wilmington, DE; sales person.

September 1993 to April 1994: St. Francis Hospital, Wilmington, DE; registered nurse

February 1995 to January 1996: Microntronix, Claymont, DE; Sales Manager

January 1996: Leader Nursing and Rehabilitation Center, Wilmington, DE; charge nurse

1999 (dates unknown): Grotto's Pizza, Wilmington, DE; pizza maker

2000 (dates unknown): Big Sky Bakery, Marsh Road, Wilmington, DE; baker at \$10.50/hr.

2004 (dates unknown): Pepsi Cola Company; Northeast Blvd. Wilmington, DE.

INTERROGATORY NO. 19: Describe in detail the contributions that Christopher Barkes gave to support any plaintiff, or minor child of Barkes, prior to November 13, 2004, and identify any and all documents that evidence these contributions.

RESPONSE:

Christopher Barkes paid minimum child support, but often was in arrears. The full amount was never recalled.

INTERROGATORY NO. 20: Describe in detail the mental anguish that any individual plaintiff alleges to have suffered as a result of the death of Christopher Barkes, and identify any and all documents that support your allegation that the responding plaintiff(s) have suffered mental anguish.

RESPONSE:

Since her husband's death, Karen Barkes has suffered emotional distress over losing her husband. Decedent had been her major support emotionally. The first year after his death, Karen Barkes was in a state of shock. Karen Barkes was unable to motivate herself to get out of bed or take care of her basic needs, such as bathing or eating. Ms. Barkes was unable to maintain focus to perform simple tasks, such as taking out the trash, cleaning the house, or paying bills. Her job suffered because she became unable to deal with the responsibility of showing up for

work. As Karen Barkes entered the second year after her husband's death, Karen Barkes started coming out of the shock and the amount of stress from the emotional toll which caused her to be hospitalized because of stress migraines. Some days she would be forced into a dark room because of the migraines. Karen Barkes had never had headaches before, let alone migraines. Since her husband's death, Karen Barkes still has trouble focusing. It is still difficult to keep up with the basic needs of running a house by herself. Decedent's daughters have also suffered emotional trauma from the loss of their father.

INTERROGATORY NO. 21: Identify each person you have retained or employed to provide expert testimony in this action or whom you intend to call as an expert witness at the trial of this matter and state the subject matter on which such expert is expected to testify, the substance of the facts and opinions to which such expert is expected to testify and a summary of the grounds for each opinion. Please identify any documents prepared by the expert(s) with regard to this case to date.

RESPONSE:

To be provided at a later date.

MARGOLIS EDELSTEIN

/s/Jeffrey K. Martin, Esquire

Jeffrey K. Martin, Esquire

(DE Bar #2407)

Margolis Edelstein

1509 Gilpin Avenue

Wilmington, DE 19806

(302) 777-4680

(302) 777-4682 (fax)

jmartin@margolisedelstein.com

Dated: February 23, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, individually;
TINA GROSSMAN as next friend of
BRITTANY BARKES; TINA
GROSSMAN as next friend of
ALEXANDRA BARKES; and
KAREN BARKES as administratrix
of the ESTATE OF CHRISTOPHER
BARKES,

Plaintiffs,

v.

FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR;
RAPHAEL WILLIAMS;
CERTAIN UNKNOWN INDIVIDUAL
EMPLOYEES OF STATE OF
DELAWARE DEPARTMENT OF
CORRECTION; CERTAIN
UNKNOWN INDIVIDUAL
EMPLOYEES OF FIRST
CORRECTIONAL MEDICAL, INC.,
And STATE OF DELAWARE,
DEPARTMENT OF CORRECTION,

Defendants.

C. A. No. 06-104-JJF

CERTIFICATE OF SERVICE

I, Jeffrey K. Martin, hereby certify that on Friday, February 23, 2007, a copy of

Plaintiff's Responses to Defendant's First Set of Interrogatories were served by hand delivery

on the following:

Stephani J. Ballard
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801

MARGOLIS EDELSTEIN
/s/ Jeffrey K. Martin, Esquire
Jeffrey K. Martin, Esquire (#2407)
1509 Gilpin Avenue
Wilmington, DE 19806
(302) 777-4680
(302) 777-4682 fax
jmartin@margolisedelstein.com
Attorneys for Plaintiff

Dated: February 23, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, individually;
TINA GROSSMAN as next friend of
BRITTANY BARKES; TINA
GROSSMAN as next friend of
ALEXANDRA BARKES; and
KAREN BARKES as administratrix
of the ESTATE OF CHRISTOPHER
BARKES,

Plaintiffs,

v.

FIRST CORRECTIONAL MEDICAL
INC.; STANLEY TAYLOR;
RAPHAEL WILLIAMS;
CERTAIN UNKNOWN INDIVIDUAL
EMPLOYEES OF STATE OF
DELAWARE DEPARTMENT OF
CORRECTION; CERTAIN
UNKNOWN INDIVIDUAL
EMPLOYEES OF FIRST
CORRECTIONAL MEDICAL, INC.,
And STATE OF DELAWARE,
DEPARTMENT OF CORRECTION,

Defendants.

C. A. No. 06-104-JJF

**PLAINTIFFS' RESPONSES TO STATE DEFENDANTS' FIRST SET OF REQUESTS
FOR ADMISSIONS**

1. On or about December 17, 2003, Christopher Barkes entered a guilty plea to a charge of "Offensive Touching", resulting from a domestic altercation, on or about November 21, 2003, with his wife, plaintiff, Karen Barkes.

DENIED; a Not Guilty plea was entered.

2. As part of his sentence for the 12/17/03 conviction, Christopher Barkes was placed on probation, with the condition that he have “no contact” with his wife, Karen Barkes.

ADMITTED.

3. As part of his sentence for the 12/17/03 conviction, Christopher Barkes was placed on probation, with the condition of “receiving substance abuse evaluation and treatment.

DENIED; condition of “receiving substance abuse evaluation and treatment” was never included.

4. As part of his sentence for the 12/17/03 conviction, Christopher Barkes was placed on probation, with the condition of “zero tolerance” for any consumption of alcohol.

ADMITTED.

5. On or about January 29, 2004, Christopher Barkes committed a physical assault upon his wife, Karen Barkes.

ADMITTED.

6. At the time of the January 29, 2004 assault, Christopher Barkes was tested for alcohol consumption and found to be under the influence of alcohol.

ADMITTED.

7. On or about February 17, 2004, Christopher Barkes entered a guilty plea in

Family Court to a charge of Assault third degree, arising out of the January 29, 2004 assault against his wife, Karen Barkes.

DENIED; a Not Guilty plea was entered.

8. On or about March 15, 2004, Christopher Barkes was found to be in violation of an order of probation imposed as a result of the conviction for the January 29, 2004 assault against his wife, Karen Barkes.

ADMITTED.

9. As of November 13, 2004, Christopher Barkes and his wife, plaintiff, Karen Barkes, were separated and not residing in the same home.

DENIED; couple was not officially separated.

10. As of November 13, 2004, Christopher Barkes was subject to an order of probation imposed as a result of his conviction for a domestic-related assault against his wife, Karen Barkes, and/or his March 2004 violation of probation.

ADMITTED.

11. Christopher Barkes was under the influence of alcohol at the time of the March 16, 1997 motor vehicle accident, referenced at paragraphs 12-14 of the Complaint.

ADMITTED.

12. Christopher Barkes had a history of drug and alcohol problems dating back to at least age 19 (12/12/84).

ADMITTED.

13. At the time of his intake assessment at HRYCI on November 13, 2004, Christopher Barkes denied any suicidal thoughts or plans.

DENIED; Decedent told intake personnel at HRYCI of his past suicide attempt and told them he was depressed.

14. At the time of his intake assessment at HRYCI on November 13, 2004, Christopher Barkes denied any history of drug or alcohol abuse to intake personnel.

DENIED; Decedent told intake personnel at HYRCI of his history of drug and alcohol abuse.

15. At the time of his intake assessment at HRYCI on November 13, 2004, Christopher Barkes was not manifesting any violent or erratic behavior.

DENIED; Decedent admitted suicidal thoughts to intake personnel at HRYCI on November 13, 2004.

16. At no time from his admission to HRYCI on November 13, 2004 until his suicide on November 14, 2004, did Christopher Barkes display any violent or erratic behavior.

DENIED; Decedent refused to take a shower and had flat affect (a warning sign of

suicide) at the time he was admitted.

17. Following Barks' intake at HRYCI on November 13, 2004, an order was issued for a "routine" referral to Mental Health Services, due to Barks' past psychiatric history. (See Defendants' initial disclosures, Bates page D00040).

DENIED; a referral was written, but this referral was never acted upon.

MARGOLIS EDELSTEIN

/s/ Jeffrey K. Martin, Esquire
Jeffrey K. Martin, Esquire (DE Bar #2407)
Margolis Edelstein
1509 Gilpin Avenue
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(302) 777-4682 (fax)
jmartin@margolisedelstein.com

Dated: February 23, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, individually;)
TINA GROSSMAN as next friend of)
BRITTANY BARKES; TINA)
GROSSMAN as next friend of)
ALEXANDRA BARKES; and)
KAREN BARKES as administratrix)
of the ESTATE OF CHRISTOPHER)
BARKES,)

C. A. No. 06-104-JJF

Plaintiffs,)

v.)

FIRST CORRECTIONAL MEDICAL)
INC.; STANLEY TAYLOR;)
RAPHAEL WILLIAMS;)
CERTAIN UNKNOWN INDIVIDUAL)
EMPLOYEES OF STATE OF)
DELAWARE DEPARTMENT OF)
CORRECTION; CERTAIN)
UNKNOWN INDIVIDUAL)
EMPLOYEES OF FIRST)
CORRECTIONAL MEDICAL, INC.,)
And STATE OF DELAWARE,)
DEPARTMENT OF CORRECTION,)

Defendants.)

CERTIFICATE OF SERVICE

I, Jeffrey K. Martin, hereby certify that on Friday, February 23, 2007, a copy of

Plaintiff's Responses to Defendant's First Set of Admissions were served by hand delivery on the
following:

Stephani J. Ballard
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801

MARGOLIS EDELSTEIN
/s/ Jeffrey K. Martin, Esquire
Jeffrey K. Martin, Esquire (#2407)
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jmartin@margolisedelstein.com
Attorneys for Plaintiff

Dated: February 23, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES individually; TINA
GROSSMAN as next
friend of BRITTANY BARKES; TINA
GROSSMAN as next friend of ALEXANDRA
BARKES; and KAREN BARKES as administratrix
of the ESTATE OF CHRISTOPHER BARKES,

Plaintiffs,

v.

FIRST CORRECTIONAL MEDICAL,
INC.; STANLEY TAYLOR; RAPHAEL
WILLIAMS; CERTAIN UNKNOWN
INDIVIDUAL EMPLOYEES OF THE STATE OF
DELAWARE DEPARTMENT OF
CORRECTION; CERTAIN UNKNOWN
INDIVIDUAL EMPLOYEES
OF FIRST CORRECTIONAL MEDICAL,
INC.; and STATE OF DELAWARE
DEPARTMENT OF CORRECTION,

Defendants.

C.A. No. 06-104 JJF

JURY TRIAL DEMANDED

**STATE DEFENDANTS RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

1. Has the State of Delaware or any representative of the State of Delaware indicated to You that the State of Delaware will indemnify you for any judgment entered against You in this case? If Your answer is "yes", please describe the scope of such indemnification, including the manner in which it is limited in any fashion (for example, if there is a limitation with regard to punitive damages.)

ANSWER:

Objection. This question is outside the scope of permissible interrogatory under F.R.C.P. 33 as it calls for legal analysis and conclusions. The question further is not reasonably calculated to lead to the discovery of admissible evidence and calls for information which is protected by attorney-client privilege. F.R.C.P. 26(b).

2. Identify by name and SBI number all inmates taken in on November 13, 2004 between 9:00 AM and 12:00 PM and for each inmate so identified please state:

(a) whether such inmate remains incarcerated, and if still incarcerated provide the anticipated date of release and the institution in which the inmate is currently incarcerated;

(b) if such inmate is no longer incarcerated, the date of release, the current address of the inmate, and the probation status of the inmate (if applicable) and;

(c) whether such inmate was interrogated with regard to his knowledge.

ANSWER:

Please see inmate Admittance Report, 11/13/04-11/14/04, produced as part of Defendants' Responses to Plaintiff's Requests for Production, Bates Stamp # D00384. Barkes was not committed as an "inmate" assigned to HRYCI, at the time of his admission to the facility on Saturday, November 13, 2004 on an administrative warrant, but was being held at HRYCI on a temporary basis, pending a transfer to Sussex VOP Center, which would have occurred on Monday, November 15, 2004. Therefore, his name does not appear on the Admittance Report.

3. Identify by name, rank, and job title, all employees of the DOC and any subcontractors including First Correctional Medical ("FCM") with responsibility for the "initial intake" of prisoners on November 13 and 14, 2004 at Howard R. Young Correctional Institute ("HRYCI") and for each such individual identified please state:

- (a) whether he or she is still employed by the DOC;
- (b) if not employed by the DOC, the person's home address;
- (c) which employees had what responsibilities, and;
- (d) which employees had any contact with and/or responsibility for Christopher Barkes.

ANSWER:

As to DOC (State of Delaware) employees, DOC staffing records show that the following officers worked in the Booking and Receiving area on the dates in question:

November 13, 2004: CO Mark Saunders; CO Valentino Thorne; Cpl. Christopher Chappel; CO Mark Bullock; CO Dorene Fields; CO Brian Emig; Cpl. Brian Forte; CO Kenneth Matthews; CO Lyle Bryant; CO Wayne Dial.

November 14, 2004: Cpl. Kimphus Daniels; Cpl. Benny Dotson; CO Mark Bullock; CO Denisha Young; CO Scott Ivy; Cpl. Sandra Rayne; CO Stephen Martelli; CO Dorene Fields; CO Wayne Dial; CO Michael Fields; CO Bernard Smith. (See staffing/shift logs, 11/13/04-11/14/04, produced as part of Defendants' Responses to Plaintiff's Requests for Production, Bates Stamp # D00385-D00455.)

All of the above officers still work for DOC except for CO Scott Ivy (now a New Castle County Police Officer) and CO Mark Saunders (now a Camden County NJ Police Officer). All others still work at HRYCI, except for CO Dorene Fields who now works at

Plummer Community Corrections, and Cpl. Rayne now works at Baylor Women's facility.

According to incident reports previously produced, COs Dorene Fields and Sandra Rayne had spoken to inmate Barks shortly before his suicide. CO Martelli, making lunch rounds, found Barks hanging in his cell, unresponsive, and attempted rescue efforts. It is not known which CO(s) took Barks' intake information upon his admission to the facility on November 13, 2004, however his intake occurred during the 0800-1600 shift.

To the extent "initial intake" of detainees involves medical assessments, Health Care workers at DOC facilities, including HRYCI, were/are not employees or "subcontractors" of DOC, but rather were, at all relevant times, solely employed by, and responsible to, the contracted Health Care Provider, FCM. State Defendants are without knowledge as to the requested information as to employees of FCM, except to the extent noted in the State's responses to Initial Disclosures, including incident reports. Upon information and belief, the information sought by this interrogatory is in the possession of Defendant, FCM.

4. Explain in detail, any and all procedure(s) in effect on November 13 and 14, 2004 for processing an inmate into the HRYCI.

ANSWER:

Please see Policy Number 60.04, SOP on "Admissions," produced as part of Defendants' Responses to Plaintiff's Requests for Production, Bates Stamp # D00457-D00460. Barks was not committed as an "inmate" assigned to HRYCI at the time of his

admission to the facility on November 13, 2004 on an administrative warrant, but was being held at HRYCI on a temporary basis, pending a transfer to Sussex VOP Center, which would have occurred on Monday, November 15, 2004. A full intake is not done at the "holding facility" on inmates being held on administrative warrants—for instance, they are not fingerprinted, and they are not issued prison clothing. These procedures are done after transfer to the receiving facility.

5. Please identify all nurses or medical personnel working at HRYCI on November 13 and 14, 2004, and for each such individual identified please state:

- (a) whether he or she is still employed at HRYCI or FCM;
- (b) if not employed at HRYCI or FCM, the person's home address;
- (c) which employees had what responsibilities; and,
- (d) whether the employee had any contact with or responsibility for

Christopher Barkes.

ANSWER:

Health Care workers, including nurses, at DOC facilities, including HRYCI, were/are not employees or "subcontractors" of DOC, but rather were, at all relevant times, solely employed by, and responsible to, the contracted Health Care Provider, FCM. State Defendants are without knowledge as to the requested information as to employees of FCM, except to the extent noted in the State's responses to Initial Disclosures, including incident reports. Upon information and belief, the information sought by this interrogatory is in the possession of Defendant, FCM.

6. Identify and explain the procedure in effect on November 13 and 14, 2004, that DOC employees and/or medical personnel at HRYCI must follow when admitting to the prison a suicidal or mentally ill inmate at "initial intake".

ANSWER:

Objection to the extent this question suggests or presumes that the deceased Plaintiff/inmate, Christopher Barkes, was "suicidal" or "mentally ill" at the time of his intake at HRYCI on November 13, 2004. See response to Interrogatory # 4, above. A medical and mental health screening by the health care provider is part of the intake process. If the medical provider identifies any inmate as a suicide risk, that inmate is housed in the infirmary, with precautions appropriate to that inmate's conditions and needs. *See also* Standard Operating Procedure 190.04, regarding "Suicide Prevention," produced as Bates # D00461-D00464.

7. Identify and explain the procedure for administering prescribed medication to any inmate on November 13 and 14, 2004 once the inmate was admitted to HRYCI.

ANSWER:

Policies and procedures for administration of prescribed medication to inmates/detainees at HRYCI are determined by the contracted medical provider—in this case, FCM. Employees of DOC/HRICI do not participate in the distribution of medications to inmates; this is handled solely by medical staff. Upon information and belief, at the time in question, medications were distributed to inmates, as prescribed, at least once per 8-hour shift.

8. Identify by name, rank, and job title, all employees of the HRYCI or FCM who accompanied Christopher Barkes's body to Christiana Hospital, and for each such individual identified please state:

- (a) whether he or she is still employed by the DOC or FCM;
- (b) if not employed by the DOC or FCM, the person's home address;
- and
- (c) which employees had what responsibilities.

ANSWER:

The COs who accompanied Christopher Barkes to the hospital were Reginald Young and Gervin Cumberbatch. Both are still employed by DOC. State Defendants are not in possession of the requested information as to employees of FCM, but do not believe that any FCM employees went to the hospital with Barkes.

9. How many hours of suicide prevention training do the individuals identified in responses to Interrogatories 3, 5, and 18 have once they are employed by DOC or FCM?

ANSWER:

As to correctional officers (COs) employed by DOC, all COs receive initial training at the Academy on suicide prevention. This initial training is taught by the medical provider contractor; it is part of an all day training on multiple medical and psychiatric issues related to inmates, including suicide awareness and prevention. Upon information and belief, in 2004, this training was provided by mental health professionals

employed by the health care provider, FCM. The amount of time spent on this topic varies from class to class. COs also receive refresher training on suicide awareness. Refresher training is approximately 30 minutes long. Refresher training is conducted by DOC personnel but the training materials are created and/or approved by the medical contractor. Upon information and belief, as of 2004, refresher training was approximately biannual; it is now annual.

State Defendants are not in possession of responsive information as to employees of FCM. Upon information and belief, information sought by this interrogatory is in the possession of Defendant, FCM.

10. Prior to November, 2004, how much training was given to correctional officers at HRYCI for detecting suicidal behavior?

ANSWER:

Please see response to Interrogatory # 9.

11. Approximately how much time transpired between the discovery of Christopher Barkes hanging until he was "cut down" by an HRYCI officer?

ANSWER:

Upon information and belief, based upon times that appear in the records, at approximately 11:00 a.m. on November 14, 2004, Correctional Officer Dorene Fields saw Christopher Barkes lying awake on the bed in his cell. At approximately 11:35 a.m., Correctional Officer Stephen Martelli reported to Barkes' cell to deliver his lunch and found that Barkes had hung himself. Martelli, at 11:35 a.m., called for assistance, called

a "Code Red/Code 7" and immediately proceeded to release Barkes from the sheet and lower him to the floor, with the assistance of C/O Fields and C/O Sandra Rayne. Medical personnel from FCM reported to the cell at approximately 11:38 a.m. and began CPR.

13. Were any DOC or FCM employees aware that Christopher Barkes refused to take a shower prior to his death? If so, when?

ANSWER:

According to the incident report prepared by C/O Sandra Rayne, Rayne looked in on Barkes at approximately 10:50 a.m. on November 14, 2004, and asked him if he wanted to take a shower. Barkes said "no" and said that he "was OK." Rayne asked Barkes if he was sure he did not want a shower, and he said no again. (See Defendants' Initial Disclosures, Bates p. D04). State Defendants cannot respond to this interrogatory as to knowledge, if any, by employees of FCM.

14. What conditions are stated on the suicide check list at HRYCI that require the intake employee to call FCM's corporate officers?

ANSWER:

Objection, this interrogatory is vague and appears to be directed to a party other than the answering defendants. Notwithstanding said objection, as part of the initial intake of a detainee, at the relevant time in November 2004, medical personnel from FCM would complete an "Adult Intake Mental Health Screening Form." This form was completed at Christopher Barkes' intake on November 13, 2004. The form contains 17 items, concerning mental health status, for which new intakes are to be screened.

Information is obtained from observation and questions directed to the inmate. In addition to the 17 item checklist, the form also requires the medical provider to state whether or not the inmate exhibits "Hallucinations" or "Violent Behavior or Threats." The form states that if the inmate presents with 8 or more positive mental health risk factors from the list, the Provider on call is to be notified and supervision instituted. The form speaks for itself and appears at Defendants' Initial Disclosures, Bates p. D0010. Christopher Barkes' intake form, on November 13, 2004 at 3:00 p.m., resulted in a score of only two (2) items from the list. At that time, Barkes also was given a Referral to Mental Health Services, on a "routine" urgency level, based on his past mental health history. (D0040). State Defendants are without information as to when, if ever, FCM medical providers are to call "FCM's corporate officers" in connection with a mental health screening.

15. What is the prescribed manner to sign one's name on a form at HRYCI?

ANSWER:

Objection. This question is vague and overbroad. Without waiver of said objection, there is no prescribed manner for DOC employees to sign their name(s) on an institutional form. State Defendants cannot respond to this interrogatory as to policies, if any, of FCM.

16. How many FCM or DOC personnel were involved in initial screening on incoming inmates on November 13, 2004, and for each such individual identified, please state:

- (a) the names and current home address of each employee;
- (b) whether he or she was employed by DOC or FCM; and
- (c) what responsibilities each individual assigned.

ANSWER:

Please see response to Interrogatory #3, above. While several officers may work at the intake desk at HRYCI at any given time, typically, one officer will perform the initial intake of a new inmate/detainee. It is not known at this time who did the initial intake of Christopher Barkes on November 13, 2004. Barkes was not considered an "inmate" assigned to HRYCI at the time of his admission to the facility on November 13, 2004 on an administrative warrant, but was being held at HRYCI on a temporary basis, pending a transfer to Sussex VOP Center, which would have occurred on Monday, November 15, 2004.

State Defendants are not in possession of the requested information as to employees of FCM, other than to note that at least one person from FCM's medical screening staff evaluated Christopher Barkes and completed the "Adult Intake Mental Health Screening Form." (See Defendants' Initial Disclosures, Bates p. D10; D32-33). At that time, Barkes also was given a Referral to Mental Health Services, on a "routine" urgency level, based on his past mental health history. (D0040).

17. At the time of his admission to the HRYCI in November 2004, was anyone aware that Christopher Barkes tried to commit suicide by overdosing on medication while first incarcerated at HRYCI in 1997?

ANSWER:

Objection, this question is vague, overbroad and presumes facts not in evidence in this case. Notwithstanding said objection, the only prior suicide attempt of which medical intake personnel at HRYCI were made aware on November 13, 2004, as related by Barkes himself at intake, was an attempt by overdose in 2003. Barkes did not disclose what appear to be numerous other suicide attempts, and hospitalizations, including at least one in September 2004, that were part of his past history. Further, Barkes falsely denied a history of drug or alcohol use at intake. (D0032).

18. What were the three medications that Christopher Barkes was taking on November 13, 2004, by whom were they prescribed, and did he continue to receive them after his admission to HRYCI on November 13, 2004?

ANSWER:

At intake, medical personnel noted that Barkes was on the following medications:

1. Depakote, 1500 mg.¹
2. Effexor, 150 mg.
3. Seroquel, 25 mg.
4. Synthroid, 25 mg.

State Defendants are without knowledge of the accuracy of Barkes' self-report, or who prescribed the drug(s) to Barkes and/or whether he was actively taking them as prescribed prior to intake. On Saturday, November 13, 2004, Barkes' medical chart shows that he was prescribed, and received dosages of Effexor, Seroquel and Synthroid.

¹ Drugs and dosages are noted as, upon information and belief, they were self-reported by Barkes and recorded by FCM medical personnel on the "Standard Intake Screening Form." (D0032).

(See D009, 12, 41). Barks did not receive medication on Sunday November 14, 2004, as he committed suicide prior to the medical cart arriving to his cell area.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Stephani J Ballard
Stephani J. Ballard (#3481)
Deputy Attorney General
820 N. French Street, 6th Floor
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stephani.ballard@state.de.us
Attorney for State Defendants

Dated: March 9, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et al.

Plaintiffs,

v.

FIRST CORRECTIONAL
MEDICAL, INC.,
STANLEY TAYLOR, et al.,

Defendants.

C. A. No. 06-104-JJF

NOTICE OF SERVICE

The undersigned certifies that on March 9, 2007, she caused the STATE DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES to be delivered to the following persons in the form and manner indicated:

Jeffrey K. Martin, Esquire
Margolis Edelstein
1509 Gilpin Ave.
Wilmington, DE 19806

Dana Spring Monzo, Esquire
McCullough & McKenty
1225 N. King St., Ste. 1100
P.O. Box 397
Wilmington, DE 19899-0397

MANNER OF DELIVERY:

Two true copies by first class mail, postage prepaid, to each recipient and

 X via e-mail

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Stephani J. Ballard

Stephani J. Ballard, I.D. #3481
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for State Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES individually; TINA
GROSSMAN as next
friend of BRITTANY BARKES; TINA
GROSSMAN as next friend of ALEXANDRA
BARKES; and KAREN BARKES as administratrix
of the ESTATE OF CHRISTOPHER BARKES,

Plaintiffs,

v.

FIRST CORRECTIONAL MEDICAL,
INC.; STANLEY TAYLOR; RAPHAEL
WILLIAMS; CERTAIN UNKNOWN
INDIVIDUAL EMPLOYEES OF THE STATE OF
DELAWARE DEPARTMENT OF
CORRECTION; CERTAIN UNKNOWN
INDIVIDUAL EMPLOYEES
OF FIRST CORRECTIONAL MEDICAL,
INC.; and STATE OF DELAWARE
DEPARTMENT OF CORRECTION,

Defendants.

C.A. No. 06-104 JJF

JURY TRIAL DEMANDED

**STATE DEFENDANTS RESPONSES TO PLAINTIFFS'
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to F.R.C.P. 34, State Defendants respond to Plaintiffs' First Request for Production of Documents as follows. Documents with Bates numbers D00152 – D00513 are produced as part of these Responses. In addition to documents identified below, other responsive documents have been previously produced by State Defendants (Bates numbers D0001 – D00151) as part of their Initial Disclosures and supplements thereto. Documents produced as part of these responses should also be considered supplemental to State Defendants' Initial Disclosures.

DOCUMENTS TO BE PRODUCED

1. Copies of any and all photographs, videotapes, motion pictures, sketches, diagrams, plans, or other drawings taken or prepared by you or on your behalf or in your possession or available to you concerning any aspect of this litigation.

ANSWER:

A videotape was made by the Quick Response Team (QRT) at HRYCI, of response and resuscitation efforts by DOC, FCM and paramedic/EMT responders following Barkes suicide. Copies on DVD are being provided; the DVD bears Bates # D00513. A video training tape used for DOC refresher training on suicide prevention is available for review upon request.

2. Copies of all written or recorded statements or summaries or resumes of interviews taken of any person with respect to any issue in this litigation, including, but not limited to, the decedent and/or and named Defendants in this action.

ANSWER:

Objection, this Request is overbroad and calls for the production of attorney-client privileged and work product materials. Notwithstanding said objection, see Incident Reports, previously produced.

3. Copies of any and all report[s] of investigation, finding[s] of fact or result[s] of inspection, observation[s] of fact or circumstances, or any other matter relating to any aspect of this litigation.

ANSWER:

See response to Request # 2, above. See also Mortality Review and Autopsy Report, previously produced and produced again herein at D00363-D00383. In addition, upon information and belief, Delaware State Police conducted an investigation following

the suicide, which is a matter of protocol in inmate deaths. DOC is not in possession of any records from DSP's investigation.

4. Any report[s] by any person qualifying as an expert containing opinions and/or facts upon which such opinions are based, concerning any aspect of this litigation.

ANSWER:

To be supplied at a later date.

5. Copies of any and all document[s], writing[s], or other item[s] identified or referred to in your Answers to Interrogatories propounded by Plaintiffs which do not fall within the above request.

ANSWER:

See Bates # D00152 – D000513.

6. Copies of any and all other document[s] or things in your possession or available to you in addition to those items specified in the foregoing requests which are or may be relevant to any issue in this litigation, including, but not limited to, issues of causation, liability and/or damage.

ANSWER:

Objection. This request is vague, overbroad and seeks production of documents which would reveal attorney mental impressions and work product. Notwithstanding said objection, all non-privileged documents known to Defendants to date, which are responsive to discovery requests and/or subject to production under Rule 26(a) have been

produced. Defendants reserve their right to supplement discovery if additional responsive documents become available.

7. Copies of any and all other document[s] or things in your possession or available to you in addition to those items specified in the foregoing requests which you intend to rely upon at trial of this matter.

ANSWER:

Objection. This request is vague, overbroad and seeks production of documents which would reveal attorney mental impressions and work product. See response to Request #6 above. Defendants will identify exhibits to be used at trial at the appropriate time in the pre-trial submissions.

8. Copies of forms completed by Christopher Barks during the intake of Barks at HRYCI in November 2004.

ANSWER:

All responsive documents in Defendants' possession were previously produced with Defendants' Initial Disclosures. Barks was not committed as an "inmate" assigned to HRYCI at the time of his admission to the facility on Saturday, November 13, 2004 on an administrative warrant, but was being held at HRYCI on a temporary basis, pending a transfer to Sussex VOP Center, which would have occurred on Monday, November 15, 2004.

9. Any and all written procedures and/or protocols regarding intake of a new inmate and any and all forms to be completed by inmates during the intake process.

ANSWER:

See State Defendants' Response to Interrogatory Number 4. *See also* Policy Number 60.04, SOP on "Admissions," Bates Stamp # D00457-D00460.

10. Any and all written procedures and/or protocols regarding suicide prevention.

ANSWER:

See Standard Operating Procedure 190.04, regarding "Suicide Prevention," produced as Bates # D00461-464. *See also* FCM and DOC training materials for COs on suicide prevention and awareness, Bates # D00465 – 00497; D00513.

11. A full and complete copy of the Morbidity and Mortality Report issued regarding the death of Christopher Barks.

ANSWER:

This document was previously produced with Defendants' Initial Disclosures, except that the cover page was missing from the version produced. A complete report is produced with these Responses, with Bates numbers D00363-D00383.

12. A full and complete Department of Correction record of Christopher Barkes, Inmate #361999, including his incarcerations at any DOC facilities and probationary records.

ANSWER:

All institutional and medical records not previously produced, including those pertaining to Barkes' 1997 incarceration are produced with these responses, with Bates numbers D00152 -D00365.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Stephani J Ballard
Stephani J. Ballard (#3481)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
stephani.ballard@state.de.us
Attorney for State Defendants

Dated: March 9, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et. al

Plaintiffs,

v.

FIRST CORRECTIONAL MEDICAL,
INC., STANLEY TAYLOR, et. al

Defendants.

:
:
:
:
:
:
:
:
:
:

C.A. No. 06-104 JJF

JURY TRIAL DEMANDED

NOTICE AND CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2007, a true and correct copy of the *State Defendants' Responses to Plaintiffs' First Request for Production of Documents* was served upon the following counsel of record via first class mail, postage prepaid:

Jeffrey K. Martin, Esquire
Margolis Edelstein
1509 Gilpin Ave.
Wilmington, DE 19806

Dana M. Spring-Monzo, Esquire
McCullough & McKenty, PA.
1225 King Street
Suite 100
P.O. Box 397
Wilmington, DE 19899-0397

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Stephani J. Ballard

Stephani J. Ballard, I.D. #3481
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for State Defendants

Dated: March 9, 2007



JOSEPH R. BIDEN, III
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CRIMINAL DIVISION (302) 577-8500
FAX (302) 577-2496
CIVIL DIVISION (302) 577-8400
FAX (302) 577-8630
TTY (302) 577-5783

June 4, 2007

Jeffrey K. Martin, Esquire
1509 Gilpin Ave.
Wilmington, DE 19806

Re: Barkes v. FCM, et al.
C.A. No. 06-104 JJF

Dear Jeff:

When we recently discussed the *Barkes* case, I noted that State Defendants would follow up on Plaintiff's responses to State Defendants' Interrogatories/Requests for Admission/Requests for Production, with a notification of responses which we feel are deficient or incomplete. Please consider this letter our request for additional responsive information, as detailed below, and as Defendants' attempt to informally reach agreement on a discovery dispute pursuant to Local Rule 7.1.1.

PLAINTIFF'S RESPONSES TO INTERROGATORIES (D.I. 33)

- Interrogatory # 2(b). Please provide the date of this alleged suicide attempt at HRYCI.
- Interrogatory #6. This interrogatory requests information as to Christopher Barkes' alleged conduct which resulted in his arrest on November 13, 2004. The response simply states that Karen Barkes got a call from Christopher when he was at HRYCI, but states no facts as to how and why he got there.
- Interrogatory #7. This response does not include the requested date(s) of treatment at each facility/provider.
- Interrogatory #8: This interrogatory requests identification and information about *physicians* who were treating Barkes, including specifically physicians who prescribed certain medications to Barkes for diagnosed conditions. While pharmacies which would have filled prescriptions were listed, no information at all was provided responsive to the question about treating/prescribing physicians.

- Interrogatory #9: This interrogatory requests, *inter alia*, “the factual bases for your allegations in paragraphs 24, 26 and 27 that, as of November 13, 2004, upon his admission to HRYCI, Christopher Barkes was manifesting any suicidal ideations or threats, or otherwise indicating that he was, *at that time*, at risk for suicide.”

Plaintiff's response states that further response will be supplied upon receipt of discovery responses from Defendants. State Defendants provided responses in the form of initial disclosures and records on September 26, 2006, and responses to Plaintiff's written discovery requests on March 9, 2007. Kindly supply an answer to this interrogatory at this time.

- Interrogatory #13: This interrogatory requests description and details of various medical and other conditions suffered by Barkes, including diagnoses and treatment. The reference to Response to Interrogatory #7, which is simply a listing of providers, is not responsive.
- Interrogatory #14: This requests information about medical diagnoses/treatment of the named plaintiffs. Two providers are listed, but it is not specified which plaintiff(s) treated there. An address is need for therapist, Jane Anderson. *As a reminder, I am still awaiting an executed medical release for Karen Barkes herself.*
- Interrogatory #15: Your response states that between 1995 and 1996, Christopher Barkes resided “no place in particular.” Was he homeless? Can you be more specific with this response?

PLAINTIFF'S RESPONSES TO REQUESTS FOR ADMISSIONS (D.I. 35)

- RFA #7: Plaintiffs' response denies that Christopher Barkes pled guilty to the referenced charges. Please refer to page D0059 in which the Court documents “Defendant's Guilty Plea.”
- RFA #9: Plaintiffs' response is not responsive. The question was whether Christopher and Karen Barkes were “separated and not residing in the same home” as of the date in question. As you know, there is no “official” or “legal” separation in Delaware. Does this response remain “Denied” as to the question presented?

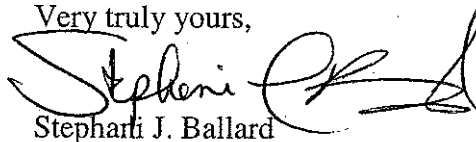
PLAINTIFF'S RESPONSES TO REQUESTS FOR PRODUCTION (D.I. 34)

- Request #11: This request was for documents “related to the *investigation of Christopher Barkes' death*” The documents referenced in Plaintiffs' response, P0730-0738, appear to be copies of letters Christopher Barkes wrote to Karen Barkes from prison. These are clearly not responsive to the question. If no responsive documents exist, please state that. If responsive documents do exist, kindly reference and/or produce them.

- Request #12: This request is for correspondence to/from Barkes while he was incarcerated. Your response is "documents do not exist." It would seem that the documents referenced at #11 are responsive to this request. Please advise.
- Request #13: This has not been responded to yet. Please respond or state if no documents exist.
- Request #15: This requests documents pertaining to Barkes' support of his children. Plaintiffs' response is "Items of emotional support may be viewed at the offices of Plaintiffs' attorney. Please describe what these "items" are so that I may determine how to proceed.
- Request #16: You were awaiting copies of tax returns from the IRS. I am assuming these have been received by now. If so, please produce copies.
- Requests # 17, 18 and 19: These requests have not yet been responded to. Please provide responsive documents if any exist.
- Request #20: Please describe the nature/contents of the "various tapes" (and whether audio, video, etc.) that are available to be "viewed" at your office. If copies of these tapes can be made for Defendants, with or without charge, please advise.

I am requesting that Plaintiffs provide amended responses to remedy the above deficiencies within 14 days of receipt of this letter. If you wish to discuss any of these items further, feel free to contact me by phone or email. Please provide any supplemental responsive information in writing, however, so the record is clear.

Very truly yours,



Stepharti J. Ballard
Deputy Attorney General

SJB/jlom

MARTIN & WILSON, P.A.

Workplace Advocates
1508 Pennsylvania Avenue
Wilmington, DE 19806

Jeffrey K. Martin, Esquire*
Timothy J. Wilson, Esquire*

Telephone: (302) 777-4681
Facsimile: (302) 777-5803

**Licensed in DE, PA and NJ*

August 6, 2007

Stephani J. Ballard, Esquire
Department of Justice
New Castle County
820 North French Street
Wilmington, DE 19801

RE: BARKES v. FCM, et al.
C.A. NO.: 06-104 JJF

Dear Stephani:

I am responding to your letter of June 4, 2007 in the above-captioned matter. I regret it has taken me this long to respond to your letter. Given that your requests were in letter form, I am responding in kind. If, however, you would like these responses in a formal pleading, kindly advise.

PLAINTIFF'S RESPONSES TO INTERROGATORIES (D.I. 33)

Interrogatory # 2(b). Please provide the date of this alleged suicide attempt at HRYCI.

October 31, 1997

Interrogatory # 6. This interrogatory requests information as to Christopher Barkes' alleged conduct which resulted in his arrest on November 13, 2004. The response simply states that Karen Barkes got a call from Christopher when he was at HRYCI, but states no facts as to how and why he got there.

Administrative warrant #8787 dated November 13, 2004. Barkes was arrested by Officer McLaughlin of the Wilmington Police Department and charged with loitering for purposes of purchasing drugs. He was also charged with driving with a revoked license.

Interrogatory # 7. This response does not include the requested date(s) of treatment at each facility/provider.

See attached. We do not have information on some of these providers.

Interrogatory # 8. This interrogatory requests identification and information about *physicians* who were treating Barkes, including specifically physicians who prescribed certain medications to Barkes for diagnosed conditions. While pharmacies which would have filled prescriptions were listed, no information at all was provided responsive to the question about treating/prescribing physicians.

We do not have any of this information.

Interrogatory # 9. This interrogatory requests, *intra alia*, "factual bases for your allegation in paragraphs 24, 26, and 27 that, as of November 13, 2004, upon his admission to HRYCI, Christopher Barkes was manifesting any suicidal ideations or threats, or otherwise indicating that he was, *at that time*, at risk for suicide.

Interrogatory # 13. This interrogatory requests description and details of various medical and other conditions suffered by Barkes, including diagnoses and treatment. The reference to Response to Interrogatory # 7, which is simply a listing of providers, is not responsive.

Emergency room admissions to Christiana Care on August 29, 2003, November 25, 2003, December 8, 2003, December 21, 2003, and December 25, 2003.

Interrogatory # 14: This requests information about medical diagnoses/treatment of the named plaintiffs. Two providers are listed, but it is not specified which plaintiff(s) treated there. An address is needed for therapist, Jane Anderson. *As a reminder, I am still awaiting an executed medical release for Karen Barkes herself.*

3608 Lancaster Pike
Wilmington, DE
(302) 995-9600

Interrogatory # 15. Your response states that between 1995 and 1996, Christopher Barkes resided "no place in particular." Was he homeless? Can you be more specific with this response?

PLAINTIFF'S RESPONSES TO REQUESTS FOR ADMISSIONS (D.I. 35)

RFA #7. Plaintiffs' responses denies that Christopher Barkes pled guilty to the referenced charges. Please refer to page D0059 in which the Court documents "Defendant's Guilty Plea."

RFA #9. Plaintiffs' response is not responsive. The question was whether Christopher and Karen Barkes were "separated and not residing in the same home" as of the date in question. As you know, there is no "official" or "legal" separation in Delaware. Does this response remain "denied" as to the question presented?

PLAINTIFF'S RESPONSES TO REQUESTS FOR PRODUCTION (D.I. 34)

Request # 11. This request was for documents "related to the *investigation of Christopher Barkes' death...*" The documents referenced in Plaintiffs' response, P0730-0738, appear to be copies of letters Christopher Barkes wrote to Karen Barkes from prison. These are clearly not responsive to the question. If no responsive documents exist, please state that. If responsive documents do exist, kindly reference and/or produce them.

Delaware State Police

Troop 2

Complaint # 01-04-129879

Dated: Sunday, November 14, 2004 at 1150

Request # 12. This request is for correspondence to/from Barkes while he was incarcerated. Your response is "documents do not exist." It would seem that the documents referenced at # 11 are responsive to this request. Please advise.

Request # 13: This has not been responded to yet. Please respond or state if no documents exist.

We have found no prior medical records or physician's names for care other than suicide attempts. No information of doctors who prescribed medicines.

Request # 15. This requests documents pertaining to Barkes' support of his children. Plaintiffs' response to "items of emotional support" may be viewed at the offices of Plaintiffs' attorney. Please describe what these "items" are so that I may determine how to proceed.

Numerous family videos.

Request # 16. You were awaiting copies of tax returns from the IRS. I am assuming these have been received by now. If so, please produce copies.

Requests # 17, 18, and 19. These requests have not yet been responded to. Please provide responsive documents if any exist.

Request # 20. Please describe the nature/contents of the "various tapes" (and whether audio, video, etc.) that are available to be "viewed" at your office. If copies of these tapes can be made for Defendants, with or without charge, please advise.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, individually;	:	
TINA GROSSMAN as next friend of	:	C. A. No.: 06-104 JJF
BRITTANY BARKES; TINA	:	
GROSSMAN as next friend of	:	
ALEXANDRA BARKES; and	:	
KAREN BARKES as administratrix of the	:	
ESTATE OF CHRISTOPHER BARKES,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
FIRST CORRECTIONAL MEDICAL	:	
INC.; STANLEY TAYLOR;	:	
RAPHAEL WEILLIAMS; CERTAIN	:	
UNKNOWN INDIVIDUAL	:	
EMPLOYEES OF STATE OF	:	
DELAWARE DEPARTMENT OF	:	
CORRECTIONS; CERTAIN	:	
UNKNOWN INDIVIDUAL EMPLOYEES	:	
OF FIRST CORRECTIONAL MEDICAL,	:	
INC., and STATE OF DELAWARE,	:	
DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	

**PLAINTIFFS' ANSWERS TO STATE DEFENDANTS' SECOND SET OF
INTERROGATORIES DIRECTED TO PLAINTIFFS**

INTERROGATORY NO. 22: In your response to State Defendants' Request for Admission (RFA) No. 13, you "deny" the statement: "At the time of his intake assessment at HRYCI on November 13, 2004, Christopher Barkes denied any suicidal thoughts or plans." Please state, with particularity and specificity, each and every factual basis for your denial and response to RFA No. 13, and identify all individuals with knowledge, documents or tangible physical evidence that support your contentions.

Specifically identify all information which you contend Christopher Barkes provided to HRYCI intake personnel which would have alerted them to his alleged imminent suicidal thoughts or plans.

RESPONSE: Adult Intake Mental Health Screening form dated November 13, 2004

– Time: 1500 hours. Item 1, 6, 8 and 10. Intake Officer Anita Robinson – DOC

INTERROGATORY NO. 23: In your response to State Defendants' Request for Admission (RFA) No. 14, you "deny" the statement: "At the time of his intake assessment at HRYCI on November 13, 2004, Christopher Barkes denied any history of drug or alcohol abuse to intake personnel." Please state, with particularity and specificity, each and every factual basis for your denial and response to RFA No. 14, and identify all individuals with knowledge, documents or tangible physical evidence that support your contentions. Specifically identify all information which you contend Christopher Barkes provided to HRYCI intake personnel which would have advised them of his history of drug and alcohol abuse.

RESPONSE: Adult Intake Mental Health Screening form dated November 13, 2004

– Time: 1500. Item 16 - Officer Anita Robinson – DOC

INTERROGATORY NO. 24: In your response to State Defendants' Request for Admission (RFA) No. 15, you "deny" the statement: "At the time of his intake assessment at HRYCI on November 13, 2004, Christopher Barkes was not manifesting any violent or erratic behavior": Mr. Bakes exhibited at his initial intake, and identify all individuals with knowledge, documents or tangible physical evidence that support your contentions.

RESPONSE: Adult Intake Mental Health Screening form dated November 13, 2004

– Time: 1500 hours. Items 12, 13, and 15. Officer Anita Robinson –

DOC

INTERROGATORY NO. 25: In your response to State Defendants' Request for Admission (RFA) No. 16, you "deny" the statement: "At no time from his admission to HRYCI on November 13, 2004 until his suicide on November 14, 2004, did Christopher Barkes display any violent or erratic behavior." Please describe, with particularity and specificity, what sort of "violent or erratic behavior" (in addition to what you identify as responsive conduct – "refus[ing] to take a shower" and having a "flat affect") Mr. Barkes exhibited at HRYCI following initial intake until the time of his suicide, and identify all individual with knowledge, documents or tangible physical evidence that support your contentions.

RESPONSE: No current documents in our possession other than what is stated above. Plaintiff has an insufficient factual basis to admit or deny this statement.

MARTIN & WILSON, P.A.



JEFFREY K. MARTIN, ESQUIRE

DE Bar I.D. No. 2407

1508 Pennsylvania Avenue

Wilmington, DE 19806

(302) 777-4581

E-mail: jmartin@martinandwilson.com

Attorney for Plaintiffs

DATED: August 6, 2007

ADULT INTAKE MENTAL HEALTH SCREENING

Name: <u>BARKER, CHRISTOPHER</u>		Sex: <u>M</u>	DOB: <u>12-12-66</u>	Date: <u>11-13-07</u>
Facility: <u>HAUCE</u>		Time: <u>1500</u>		

1. Hallucinations	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	If yes describe _____
2. Violent Behavior or Threats	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	_____

Suicide Prevention Screening (check appropriate column for each question)			
	Column A YES	Column B NO	COMMENTS
1. Arresting or transporting officer believes subject may be suicide risk. If yes, notify Provider on call.		<input checked="" type="checkbox"/>	
2. Lacks close family/friends in community.		<input checked="" type="checkbox"/>	
3. Experienced a significant loss within the last 6 months (loss of job, relationship, death of close family member).		<input checked="" type="checkbox"/>	
4. Worried about major problems other than legal situation (i.e. terminal illness).		<input checked="" type="checkbox"/>	
5. Family member or significant other has attempted or committed suicide (spouse, patient, sibling, close friend, lover).		<input checked="" type="checkbox"/>	
6. Has ever been inpatient in a hospital (psychiatric, medical and surgical) or treatment facility.	<input checked="" type="checkbox"/>		
7. Holds position of respect in community (i.e. professional, public official) and/or alleged crime is shocking in nature. Feels embarrassment/shame. If yes, notify Provider on call.		<input checked="" type="checkbox"/>	
8. Is thinking about killing self. If yes, notify Provider on call.		<input checked="" type="checkbox"/>	
9. If yes to #8, has a suicide plan and/or suicide instrument in possession?		<input checked="" type="checkbox"/>	
10. Has ever been suicidal or attempted suicide (check what and how often).	<input checked="" type="checkbox"/>		
11. Feels there is nothing to look forward to in the future (expresses feelings of helplessness and hopelessness). If yes to #10 and #11, notify Provider on call.		<input checked="" type="checkbox"/>	
12. Shows signs of depression (crying, emotional flatness).		<input checked="" type="checkbox"/>	
13. Appears overly anxious, afraid, or angry.		<input checked="" type="checkbox"/>	
14. Appears to feel unusually embarrassed or ashamed.		<input checked="" type="checkbox"/>	
15. Is acting and/or talking in a strange manner. (Cannot focus attention, hearing, or seeing things that are not there.)		<input checked="" type="checkbox"/>	
16. Is apparently under the influence of alcohol or drugs.		<input checked="" type="checkbox"/>	
17. If yes to #16, is individual incoherent or showing signs of withdrawal or mental illness? If yes to both #16 and #17, notify Provider on call.		<input checked="" type="checkbox"/>	

Total Column A: 2

Actions: If total checks in Column A are 8 or more, notify Provider on call. SIGNATURE OF SCREENING MEDICAL STAFF: _____

On Call Provider notified: ☐ Yes ☐ No

Supervision instituted: ☐ Constant ☐ Other

Referred to: Mental Health Team ☐ Yes ☐ No

Emergency: Who _____ When _____

Non-emergency

SIGNATURE AND STAMP OF INTAKE MEDICAL STAFF: _____

LHD 1001

D00010

A000126

STANDARD INTAKE SCREENING FORMLAST NAME BANKSFIRST NAME ChristopherInstitution name: HuachucaPrevious Incarceration at this facility? 1997D.O.B. 12.12.46 NUMBER 061999INTAKE DATE 11/13/04 TIME 1500INSURANCE INFORMATION: Medicare ☒ Medicaid ☒ Social Security Number: 553437341SECTION 1: Medical Records brought with patient? yes ☐ no ☒

VITAL SIGNS:

BP 128/82 P 60 TEMP 98.0 R 16 WT 190 lbs

ANY OBVIOUS SIGNS OF ILLNESS OR TRAUMA? OR DEFORMITIES? YES/NO (if yes describe)

ANY OBVIOUS SIGNS OF ALTERED MENTAL STATUS, ALTERED APPEARANCE, OR ABNORMAL CONDUCT? YES/NO (if yes describe)

ANY SIGNS OF TREMORS OR SWEATING? YES/NO (if yes please describe)

SECTION 2:

1. Are you currently on any medications? yes ☒ no ☐

If inmate on medications, call the MD to get orders to continue/change/stop.

Medications brought with patient? yes ☐ no ☒MEDICATIONS & DOSES 1. Depakote 2500 mg 2x daily 2. Effexor XR 150 mg 1x daily3. Plavix 75 mg 1x daily 4. 25 mg 0 daily2. Are you allergic to any medications? yes ☐ no ☒
IF YES PLEASE LIST THE ALLERGIES AND REACTIONS3. Has a Doctor told you to take pills for any illness? yes ☐ no ☒4. Have you been exposed to HIV? (blood transfusion etc) yes ☐ no ☒5. History of intravenous drug abuse? yes ☐ no ☒6. Visible poor skin conditions, rashes, or needle marks? yes ☐ no ☒
IF YES PLEASE DESCRIBE7. History of alcohol abuse? yes ☐ no ☒History of cocaine/amphetamine abuse? yes ☐ no ☒History of marijuana abuse? yes ☐ no ☒

LAST USED

DESCRIBE ANY VISIBLE SIGNS OF ALCOHOL OR DRUG WITHDRAWAL

8. Have you ever attempted suicide? yes ☒ no ☐9. Are you afraid you might lose your mind or go crazy? yes ☐ no ☒

D00032

STANDARD INTAKE SCREENING FORMINMATE NAME: BarkerID# 261 999

10. Do you have or ever had any of the following diseases?

Sexually transmitted diseases?

If yes, what

When

yes ☐no ☒

Treatment

Asthma?

yes ☐no ☒

COPD?

yes ☐no ☒

Heart disease?

yes ☐no ☒

Hepatitis?

yes ☐no ☒

Type

When

Epilepsy?

yes ☐no ☒

Date of last seizure

High Blood Pressure?

yes ☐no ☒

Diabetes?

yes ☐no ☒

Type

OTHER

11. Do you have any dental problems?

YES ☐NO ☒

(Please complete all info)

Visual Exam Y ☒ N ☒ Oral Tissues Y ☒ N ☒Swelling/abnormalities Y ☒ N ☒

Describe abnormalities:

Infections Y ☒ N ☒Caries Y ☒ N ☒

12. Access to Health Services explained to inmate

YES ☐NO ☒

13. If the inmate is a female and between the ages of 10-50 years a urine pregnancy test must be obtained. Positive
- ☐

Negative ☐

Para

Abortion

Gravida

Miscarriage

SECTION 3:

1. HAVE YOU EVER BEEN TESTED FOR TUBERCULOSIS?

YES ☒NO ☐

IF NO THEN GIVE PPD AND DOCUMENT ON IMMUNIZATION/TB CONTROL RECORD

IF YES, CONTINUE WITH QUESTION #2

2. WAS YOUR LAST TB TEST POSITIVE OR NEGATIVE?

IF NEGATIVE WITH NO DOCUMENTATION, ADMINISTER PPD AND DOCUMENT IN CHART ON IMMUNIZATION RECORD. IF POSITIVE, MAKE CID REFERRAL.

COMPLETE THE CHART BELOW.

SYMPTOM	YES	NO	DURATION
COUGH WITH BLOOD		<input checked="" type="checkbox"/>	
COUGH W/O BLOOD		<input checked="" type="checkbox"/>	
FEVER		<input checked="" type="checkbox"/>	
NIGHT SWEATS		<input checked="" type="checkbox"/>	
LIVE W/TB CONTACT		<input checked="" type="checkbox"/>	
HX of DRUG ABUSE		<input checked="" type="checkbox"/>	
WEIGHT LOSS		<input checked="" type="checkbox"/>	
FATIGUE/MALAISE		<input checked="" type="checkbox"/>	

IF INMATE HAS COUGH, FEVER, OR NIGHT SWEATS, PLACE PT IN AN N-95 MASK UNTIL PLACED IN RESPIRATORY ISOLATION AND CALL PROVIDER IMMEDIATELY.

PLAN OF TREATMENT

STARTED

COMPLETION DATE

CURRENT MEDICATIONS

TAKEN TB MEDS IN PAST

PATIENT COUNSELED REGARDING ACTIVE VS. LATENT TB AND IMMUNIZATION FORM COMPLETED.
SIGNATURE & STAMP OF INTAKE NURSING STAFF

D00033

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, individually;	:	
TINA GROSSMAN as next friend of	:	C. A. No.: 06-104 JJF
BRITTANY BARKES; TINA	:	
GROSSMAN as next friend of	:	
ALEXANDRA BARKES; and	:	
KAREN BARKES as administratrix of the	:	
ESTATE OF CHRISTPHER BARKES,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
FIRST CORRECTIONAL MEDICAL	:	
INC.; STANLEY TAYLOR;	:	
RAPHAEL WEILLIAMS; CERTAIN	:	
UNKNOWN INDIVIDUAL	:	
EMPLOYEES OF STATE OF	:	
DELAWARE DEPARTMENT OF	:	
CORRECTIONS; CERTAIN	:	
UNKNOWN INDIVIDUAL EMPLOEES	:	
OF FIRST CORRECTIONAL MEDICAL,	:	
INC., and STATE OF DELAWARE,	:	
DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	

NOTICE OF SERVICE

Please take notice that the undersigned did hereby forward copies of Plaintiffs'

Answers to State Defendants' Second Set of Interrogatories Directed to Plaintiffs via U.S.

First Class, Postage Paid Mail on this 6th day of August, 2007 to the following:

Stephani J. Ballard, Esquire
Department of Justice
New Castle County
820 North French Street
Wilmington, DE 19801

MARTIN & WILSON, P.A.

A handwritten signature in black ink, appearing to read 'J. H. Martin', is written over a horizontal line.

JERFREY H. MARTIN, ESQUIRE

DE Bar I.D. No.: 2407

1508 Pennsylvania Avenue

Wilmington, DE 19806

(302) 777-4681

E-mail: jmartin@martinandwilson.com

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, et al.)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 06-104-JJF
)	
FIRST CORRECTIONAL MEDICAL, INC., STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

STATE DEFENDANTS' SUPPLEMENTATION

OF INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(e)

Pursuant to Fed. R. Civ. P. 26(e), the Defendants Department of Correction, Stanley Taylor, Raphael Williams, and "Unknown Employees" of the State of Delaware ("State Defendants") make the following supplementary disclosures:

(A) Individuals likely to have discoverable information in support of Defendants' defenses.

15. Cpl. Brian Forte, Department of Correction;
16. Sgt. Brian Emig, Department of Correction;
17. Lt. Kimphus Daniels, Department of Correction;
18. Scott Ivy, New Castle County Police Department (formerly of Department of Correction)
19. CO Denisha Young, Department of Correction;
20. CO Reginald Young, Department of Correction;
21. CO Gerwin Cumberbatch, Department of Correction;

22. Captain Carol Jefferson, Department of Correction

23. Phillip McLaughlin, Wilmington Police Department

In addition, State Defendants reserve their rights, pursuant to Rule 26(e) to identify additional witnesses. State Defendants further reserve the right to identify and call any witnesses listed by the Plaintiff or other Defendant(s).

(B) Documents that may be used to support State Defendants' defenses:

To date State Defendants have produced documents Bates numbered D00001 – D00517 as well as medical records from the following providers: Catholic Charities, ShopRite Pharmacies and Jane Anderson, LCSW. Also, provided were employment records from Manor Care and records from the Delaware Board of Nursing.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302)577-8400

Attorney for State Defendants

Dated: August 7, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et al.

Plaintiffs,

v.

FIRST CORRECTIONAL
MEDICAL, INC.,
STANLEY TAYLOR, et al.,

Defendants.

C. A. No. 06-104-JJF

NOTICE OF SERVICE

The undersigned certifies that on August 7, 2007, she caused the STATE DEFENDANTS' SUPPLEMENTATION OF INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(e) to be delivered to the following persons in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Jeffrey K. Martin, Esquire
Martin & Wilson, P.A.
1508 Pennsylvania Avenue, Suite 1C
Wilmington, DE 19806

Daniel McKenty, Esquire
Heckler & Frabizzio
P.O. Box 128
Wilmington, DE 19899-0128

MANNER OF DELIVERY:

 X Two true copies by first class mail, postage prepaid, to each recipient

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

 /s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for State Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KAREN BARKES, et al.)	
)	
Plaintiffs,)	
)	
v.)	C. A. No. 06-104-JJF
)	
FIRST CORRECTIONAL MEDICAL, INC., STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

**STATE DEFENDANTS' SECOND SUPPLEMENTATION
OF INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(e)**

Pursuant to Fed. R. Civ. P. 26(e), the Defendants Department of Correction, Stanley Taylor, Raphael Williams, and "Unknown Employees" of the State of Delaware ("State Defendants") make the following supplementary disclosures:

(B) Documents that may be used to support State Defendants' defenses:

- Health Care Services Contract dated 6/17/02 and September 2003 Addendum Bates numbered D00518 – D00525 (attached)
- Health Care Services Contract Request for Proposal March 2002 (available for review at office of counsel for State Defendants)
- Proposal to Delaware Department of Correction Health Care Services Contract #2828 from First Correctional Medical and Attachments to the Proposal (available for review at office of counsel for State Defendants)

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302)577-8400

Attorney for State Defendants

Dated: August 30, 2007

Original

RECEIVED

HEALTH CARE SERVICES CONTRACT

2002 JUN 21 PM 2 04

BUSINESS OFFICE

This Agreement is made this 17th day of June 2002, by and between First Correctional Medical-Delaware, L.L.C. ("FCM") and the State of Delaware, Department of Correction ("DOC").

RECITALS

WHEREAS, the DOC desires to purchase the health care services offered by FCM to serve the needs of the State of Delaware and the State's inmate population; and

WHEREAS, the State has asked prospective vendors to submit proposals for contract No. 2828; and

WHEREAS, FCM's sole member (First Correctional Medical, Inc.) submitted a proposal to provide the aforementioned health care services to the DOC and its proposal was accepted by the DOC; and

WHEREAS, on Wednesday May 29, 2002, the DOC and FCM's sole member entered into final negotiations with the express intent to execute a contract for the provision of health services to Delaware's incarcerated population; and

NOW THEREFORE, in consideration for the mutual promises contained herein, the parties enter into this Agreement and its related documents to govern their relationship and hereby revoke any previous agreement between the parties. All references in said documents to "FCM" or "First Correctional Medical, Inc." or "First Correctional Medical" shall be deemed a reference to FCM as if FCM made the proposal and agreements set forth in or under such documents and was the successful bidder. The Terms and Conditions of this Agreement are contained within this DOC/FCM health care services contract which shall include by this reference the Request for Proposal, FCM's Proposal and the FCM Question and Response Memorandum dated May 21, 2002; and

NOW THEREFORE, the DOC and FCM mutually agree as follows:

D00518

1. This agreement is contingent upon funding being appropriated by the State of Delaware for each year of this contract. Funding is appropriated for medical services through the annual State Budget Act.
2. The DOC and FCM agree on an annual base price of \$17,735,904.00 for the 1st two years of the contract. FCM shall submit to DOC an invoice on or about the 15th and last day of each month during the term of this contract commencing on July 15th of each fiscal year. Each invoice shall be for one twenty-fourth of the annual base price due hereunder for each year of this contract. DOC shall pay each invoice within 5 days of receipt. The amount of said monthly payment shall change in the event of any mutually agreed to change in the annual base price for any year that this contract remains in effect or as otherwise provided under the contract documents including any schedules which are a part thereof or which are attached hereto (which shall be deemed a part hereof).

Additional modifications to the DOC Request and FCM's Proposal:

- A. The Sex Offender Unit has been deleted.
 - B. Three Transition Units and a Structured Care Unit currently are in operation. The Transition Units are at Plummer Community Correctional Center, Multi-Purpose Criminal Justice Facility and Baylor Women's Correctional Institution. The Structured Care Unit is at Sussex Correctional Institution.
 - C. Subject to the terms hereof and the documents referred to herein, the required Vendor services include but are not limited to basic medical services, mental health services, dental services, continuous suicide watch, the transition units, structured care programs, specialized women's services, and services to DOC staff. A complete itemization of services is in the DOC's RFP, as limited by FCM's Proposal.
3. The DOC accepts the variable rate per inmate proposed per year by FCM for times when the count is over the 6700-offender base as shown on the attached schedules which are made a part hereof. After each month, FCM and DOC shall

agree to a reconciliation of the number of inmates for the prior month (over a base of 6700). Any additional payment (based on the attached schedule) due FCM as a result of any number of inmates over the base amount shall be paid to FCM with the next payment due hereunder.

4. Annual increases will be in accordance with the revised Cost Summary Sheet presented in FCM's proposal reflecting the new base of \$17,735,904.00 and the other terms and provisions hereof.
5. FCM and the DOC agree to modify the RFP and Proposal as follows:
 - A. To the extent ACA Health Care Standards and NCCHC Standards differ, FCM will adhere to the higher standard;
 - B. To the extent that community standards for mental health care are unclear or not specific, FCM will be required to implement "Best Practices" from State Correctional Systems, which shall be deemed to be the average national level of such services.
 - C. Clarify language in the FCM proposal to read:
 - a) Pg. 26, paragraph 1, last sentence. Be it known that the DOC does not authorize the transfer of inmates to a detoxification facility.
 - b) Pg. 60, "Response to trauma incidents", second paragraph, last sentence should read: "These reports will be provided to the warden or designee, and others as appropriate in the corrections chain of command prior to the end of shift in which the incident occurred."
 - D. Contract provides for a capitated rate for health care services. Fee structure is established by the base rate (as adjusted) plus per diem rate for inmate population over 6700. Structural changes and/or additions to institutions will not result in a renegotiated rate for service.

- E. The parties acknowledge that DOC shall pay for any equipment and services (including software and the charges for installation and training relating thereto) which are necessary, required or requested by FCM under the operation of this contract which individually exceeds \$500.00 per individual item. All equipment, supplies and facilities currently in place at or located within the facilities at which the services shall be provided shall be made available to FCM at no cost to or credit against FCM in connection with the performance of its services hereunder. In addition, DOC shall provide at its cost and expense all maintenance services required or requested by FCM in connection with any equipment or any part of the facilities.
- F. Out of the first two payments due FCM hereunder, DOC shall retain a total sum of \$500,000.00 (\$250,000.00 in each of the first two payments) to insure the observance and performance of all of the covenants, terms, conditions and undertakings herein contained to be performed or observed by FCM. Said security deposit or the balance thereof shall be returned to FCM not more than thirty (30) days following the termination or expiration of this contract provided that FCM has materially performed and observed all of said covenants, terms, conditions and undertakings herein. No other bond, guaranty or other deposit, security or assurance shall be due, required or owed by FCM.
- G. Any financial reporting obligations shall be limited to FCM.
- H. In no event shall staffing levels constitute a breach or default by FCM hereunder.
- I. In the event that FCM does not receive payment on or before the 30 day following the receipt of an invoice by the DOC, the amount due on the invoice shall bear interest at an annual rate of 12.00% (or the maximum rate allowed by law, whichever is lower) until said payment is made in full.

6. The DOC is purchasing Professional Health Services. Performance is the essence of this contract. To the extent, negotiations involved a discussion of staffing patterns; those discussions were intended to ensure FCM fully understood the scope of the contract.

7. Appropriation

Funds authorized for use under the contract are obligated within the budget period (fiscal years July 1- June 30) of which they are awarded. Contracts and purchase orders must be issued on or before the expiration date of the budget period or the funds will no longer be available for use by the vendor. If funds are not appropriated at the amounts established by this contract each party shall have the right, to be exercised with not less than 60 days prior notice to the other, to terminate this contract and all payment and service obligations hereunder and relating hereto. However, said termination right may only be exercised with an effective date of the last day of the last month of a fiscal year of the term of this contract. At no time will the level of services go below those specified by the NCCHC Prison Standards.

8. DEPARTMENT INDEMNIFICATION

The FCM will hold harmless, indemnify, and defend the DOC, the State of Delaware and their agents, employees, or officers of the State of Delaware from any and all suits, actions, losses, liability, damages (including punitive damages), expenses, reasonable attorney fees (including salaries of attorneys regularly employed by the State of Delaware), judgments, or settlements incurred by the DOC, the State of Delaware or their agents, employees, or officers arising out of the negligent provision of health care services by FCM, its employees, or subcontractors under the contract, including direct or indirect negligence or intentional acts of omission or commission, and professional malpractice regardless of any negligence or any intentional acts of omissions or commission by employees or officials of the DOC.

000522

9. APPLICABLE LAW/GOVERNING LAW/ CHOICE OF LAW

The laws of the State of Delaware shall apply, except where Federal Law has precedence. FCM consents to jurisdiction and venue in the State of Delaware. The DOC shall enter a Purchase Order on or before June 30, 2002. The Purchase Order must be approved on July 8, 2002 or this contract shall be null and void and of no force or effect. FCM must possess an active Delaware Business License as issued by the Department of Finance through its Division of Revenue. FCM must remain in good financial standing with the State of Delaware.

If any provision of this contract is held by a court of competent jurisdiction to be contrary to law, the remaining provisions of this contract will remain in full force and effect.

FCM's sole member shall have no right, title, obligation or liability hereunder or under any document referred to herein unless hereafter expressly accepted and agreed to thereby.

10. TERMS AND RENEWAL OPTIONS

Subject to the other terms and provisions hereof, the initial term ("Initial Term") of this contract shall be for a period of 6 years commencing July 1, 2002 ("the Commencement Date") and expiring (unless renewed) on June 30, 2008. This contract is renewable by the DOC for two (2) additional periods of two (2) years each ("the Extended Term"), according to the terms of the RFP.

If DOC defaults hereunder, FCM may, at its discretion, terminate this contract upon not less than thirty days written prior notice.

11. CONFLICT RESOLUTION

The contract documents shall consist of this contract, the Request for Proposal, the FCM Proposal, and the FCM Question and Response Memorandum dated May 21, 2002, as well as all cost and other updates relating thereto and the schedules, grids and other attachments attached hereto which are hereby made a part hereof. In the event of any conflict between the contract documents, the contract documents

will be interpreted in the following order and the lower number below shall govern and control:

1. This Contract and the summary sheet, pricing grid, and the other schedules, grids and attachments hereto.
2. FCM's response to DOC written questions dated 5/21/2002 (the FCM Question and Response Memorandum dated May 21, 2002)
3. Request for Proposals (including any amendments and updates and other questions and answers)
4. FCM Proposal and any updates relating thereto

STATE OF DELAWARE
DEPARTMENT OF CORRECTION

BY: 

TITLE: Commissioner

DATE: 6/17/02

FIRST CORRECTIONAL MEDICAL-
DELAWARE, L.L.C.

BY: 

TITLE: President

DATE: 6/17/02

ADDENDUM TO HEALTH CARE SERVICES CONTRACT #2828
TO ESTABLISH A PROCEDURE FOR REIMBURSEMENT OF PAYMENT TO
THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES (DHSS) FOR
MEDICAID ELIGIBLE INCARCERATED PERSONS

In accordance with the agreement between DHSS and FCM, incarcerated persons under the custody of the Delaware Department of Corrections (DOC) who incur inpatient hospital stays greater than 24 hours, in an acute care hospital with a Delaware Medicaid provider agreement, shall be considered for Medicaid.

It is agreed that the DOC will reimburse DHSS for 100% of the Medicaid per discharge and outlier payments and ancillary payments made for incarcerated persons. FCM understands that DOC will then recover 100% of the Medicaid discharge and outlier and ancillary payments by reducing payments DOC makes to FCM. All payments will be made in accordance with the payment schedule defined in the contract agreement #2828.

State of Delaware
Department of Correction

By: 

Title: Commissioner

Date: 9/5/03

First Correctional Medical
Delaware, L.L.C.

By: 

Title: President

Date: 9/18/03

000525

A000143

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAREN BARKES, et al.

Plaintiffs,

v.

FIRST CORRECTIONAL
MEDICAL, INC.,
STANLEY TAYLOR, et al.,

Defendants.

C. A. No. 06-104-JJF

NOTICE OF SERVICE

The undersigned certifies that on August 30, 2007, she caused the STATE DEFENDANTS' SECOND SUPPLEMENTATION OF INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(e) to be delivered to the following persons in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Jeffrey K. Martin, Esquire
Martin & Wilson, P.A.
1508 Pennsylvania Avenue, Suite 1C
Wilmington, DE 19806

Daniel McKenty, Esquire
Heckler & Frabizzio
P.O. Box 128
Wilmington, DE 19899-0128

MANNER OF DELIVERY:

 X Two true copies by first class mail, postage prepaid, to each recipient

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Stephani J. Ballard
Stephani J. Ballard, I.D. #3481
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for State Defendants

STANDARD INTAKE SCREENING FORM

LAST NAME BARKESFIRST NAME ChristopherInstitution name: HugotPrevious Incarceration at this facility? 1997D.O.B. 12-12-66 NUMBER 861999INTAKE DATE 11/13/04 TIME 1500INSURANCE INFORMATION: Medicare ☒ Medicaid ☒ Social Security Number: 55343 7341SECTION 1: Medical Records brought with patient? yes ☐ no ☒

VITAL SIGNS:

BP 120/80 P 60 TEMP 98.0 R 16 WT 190 lbs

ANY OBVIOUS SIGNS OF ILLNESS OR TRAUMA? OR DEFORMITIES? YES/NO (if yes describe)

ANY OBVIOUS SIGNS OF ALTERED MENTAL STATUS, ALTERED APPEARANCE, OR ABNORMAL CONDUCT? YES/NO (if yes describe)

ANY SIGNS OF TREMORS OR SWEATING? YES/NO (if yes please describe)

SECTION 2:

1. Are you currently on any medications? yes ☒ no ☐

If inmate on medications, call the MD to get orders to continue/change/or stop.

Medications brought with patient? yes ☐ no ☒MEDICATIONS & DOSES 1. Diazepam 10 mg 2. Effexor XR 150 mg
3. Prozac 25 mg 4. 25 mg2. Are you allergic to any medications? yes ☐ no ☒

IF YES PLEASE LIST THE ALLERGIES AND REACTIONS

3. Has a Doctor told you to take pills for any illness? yes ☐ no ☒4. Have you been exposed to HIV? (blood transfusion etc) yes ☐ no ☒5. History of intravenous drug abuse? yes ☐ no ☒6. Visible poor skin conditions, rashes, or needle marks? yes ☐ no ☒
IF YES PLEASE DESCRIBE7. History of alcohol abuse? yes ☐ no ☒History of cocaine/amphetamine abuse? yes ☐ no ☒History of marijuana abuse? yes ☐ no ☒

LAST USED

DESCRIBE ANY VISIBLE SIGNS OF ALCOHOL OR DRUG WITHDRAWAL

8. Have you ever attempted suicide? yes ☒ no ☐9. Are you afraid you might lose your mind or go crazy? yes ☐ no ☒

D00032

STANDARD INTAKE SCREENING FORM INMATE NAME: BARKER ID# 361 999

10. Do you have or ever had any of the following diseases?
- Sexually transmitted diseases? If yes, what _____ When _____ yes ☐ no ☒
- Treatment _____
- Asthma? yes ☐ no ☒
- COPD? yes ☐ no ☒
- Heart disease? yes ☐ no ☒
- Hepatitis? yes ☐ no ☒
- Type _____ When _____ yes ☐ no ☒
- Epilepsy? Date of last seizure _____ yes ☐ no ☒
- High Blood Pressure? Diabetes? yes ☐ no ☒
- Type _____ yes ☐ no ☒
- OTHER _____

11. Do you have any dental problems? YES ☐ NO ☒ (Please complete all info)
- Visual Exam Y N Oral Tissues Y N Infections Y N Caries Y N
- Swelling/abnormalities Y N Describe abnormalities: _____

12. Access to Health Services explained to inmate YES ☐ NO ☒

13. If the inmate is a female and between the ages of 10-50 years a urine pregnancy test must be obtained. Positive ☐ Negative ☐ Para _____ Abortion ☒ Miscarriage _____

SECTION 3:

1. HAVE YOU EVER BEEN TESTED FOR TUBERCULOSIS? YES ☒ NO ☐
- IF NO THEN GIVE PPD AND DOCUMENT ON IMMUNIZATION/TB CONTROL RECORD
- IF YES, CONTINUE WITH QUESTION #2

2. WAS YOUR LAST TB TEST POSITIVE OR NEGATIVE?
- IF NEGATIVE WITH NO DOCUMENTATION, ADMINISTER PPD AND DOCUMENT IN CHART ON IMMUNIZATION RECORD. IF POSITIVE, MAKE CID REFERRAL.

COMPLETE THE CHART BELOW.

SYMPTOM	YES	NO	DURATION
COUGH WITH BLOOD		<input checked="" type="checkbox"/>	
COUGH W/O BLOOD		<input checked="" type="checkbox"/>	
FEVER		<input checked="" type="checkbox"/>	
NIGHT SWEATS		<input checked="" type="checkbox"/>	
LIVE W/TB CONTACT		<input checked="" type="checkbox"/>	
HX of DRUG ABUSE		<input checked="" type="checkbox"/>	
WEIGHT LOSS		<input checked="" type="checkbox"/>	
FATIGUE/MALaise		<input checked="" type="checkbox"/>	

IF INMATE HAS COUGH, FEVER, OR NIGHT SWEATS, PLACE PT IN AN N-95 MASK UNTIL PLACED IN RESPIRATORY ISOLATION AND CALL PROVIDER IMMEDIATELY.

PLAN OF TREATMENT

STARTED

COMPLETION DATE

CURRENT MEDICATIONS

TAKEN TB MEDS IN PAST

PATIENT COUNSELED REGARDING ACTIVE VS. LATENT TB AND IMMUNIZATION FORM COMPLETED.

SIGNATURE & STAMP OF INTAKE NURSING STAFF _____

000033



ADULT INTAKE MENTAL HEALTH SCREENING

Name: <u>Barker, Christopher</u>	Sex: <u>M</u>	DOB: <u>12-12-66</u>	Date: <u>11-13-04</u>
Facility: <u>HRYE</u>			Time: <u>1500</u>

1. Hallucinations	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	If yes describe _____
2. Violent Behavior or Threats	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Suicide Prevention Screening (check appropriate column for each question)			
	Column A YES	Column B NO	COMMENTS
1. Arresting or transporting officer believes subject may be suicide risk. If yes, notify Provider on call.		<input checked="" type="checkbox"/>	
2. Lacks close family/friends in community.		<input checked="" type="checkbox"/>	
3. Experienced a significant loss within the last 6 months (loss of job, relationship, death of close family member).		<input checked="" type="checkbox"/>	
4. Worried about major problems other than legal situation (i.e. terminal illness).		<input checked="" type="checkbox"/>	
5. Family member or significant other has attempted or committed suicide (spouse, patient, sibling, close friend, lover).		<input checked="" type="checkbox"/>	
6. Has psychiatric history (note current psychotropic medical and name of most recent treatment agency).	<input checked="" type="checkbox"/>		
7. Holds position of respect in community (i.e. professional, public official) and/or alleged crime is shocking in nature. Feels embarrassment/shame. If yes, notify Provider on call.		<input checked="" type="checkbox"/>	
8. Is thinking about killing self. If yes, notify Provider on call.		<input checked="" type="checkbox"/>	
9. If yes to #8, has a suicide plan and/or suicide instrument in possession?		<input checked="" type="checkbox"/>	
10. Has previous suicide been attempted? (Check wrists and note method).	<input checked="" type="checkbox"/>		<u>OVERDOSE 2003</u>
11. Feels there is nothing to look forward to in the future (expresses feelings of helplessness and hopelessness). If yes to #10 and #11, notify Provider on call.		<input checked="" type="checkbox"/>	
12. Shows signs of depression (crying, emotional flatness).		<input checked="" type="checkbox"/>	
13. Appears overly anxious, afraid, or angry.		<input checked="" type="checkbox"/>	
14. Appears to feel unusually embarrassed or ashamed.		<input checked="" type="checkbox"/>	
15. Is acting and/or talking in a strange manner. (Cannot focus attention, hearing, or seeing things that are not there.)		<input checked="" type="checkbox"/>	
16. Is apparently under the influence of alcohol or drugs.		<input checked="" type="checkbox"/>	
17. If yes to #16, is individual incoherent or showing signs of withdrawal or mental illness? If yes to both #16 and #17, notify Provider on call.		<input checked="" type="checkbox"/>	

Total Column A: 2

Actions: If total checks in Column A are 8 or more, notify Provider on call. SIGNATURE OF SCREENING MEDICAL STAFF: _____

On Call Provider notified: ☐ Yes ☐ No

Supervision instituted: ☐ Constant ☐ Other

Referral to: Mental Health Team ☐ Yes ☐ No

Emergency: Who _____ When _____

Non-emergency

SIGNATURE AND STAMP OF INTAKE MEDICAL STAFF: _____

MR-1001
Revised 3/11/2004

First Correctional Medical Inc. **A000147**

D00039

Not for Redistribution

REFERRAL TO MENTAL HEALTH SERVICES



Inmate name: <i>BARKER, Christopher</i>	Number: <i>361999</i>	Date of Referral: <i>11.13.04</i>
Job:	Lock:	Unit:

URGENCY LEVEL: ☒ Routine ☐ ASAP ☐ Urgent

Additional Comments: *Hx Bipolar, Hx attempted
Suicide in 2003*

☐ BRIDGE ORDER: medication, dose, expiration date: _____

☐ NO BRIDGE ORDER but inmate CURRENTLY ON PSYCHIATRIC MEDICINE:
medication, dosage, last time medicine was taken: _____

☐ INMATE REFUSES MEDICATION OR MEDICATION HAS EXPIRED _____

Referred by: <i>[Signature]</i>	
Title: <i>LPN</i>	Phone Ext.

Response: _____

Mental Health Staff Signature:	Date of Response:
Supervisor Signature:	

A000149

3009890

HRYCI Howard R. Young Correctional Institution

Date: 11/15/2004

1301 E. 12th Street

WILMINGTON DE, 19809

Phone#: 302-429-7700

INCIDENT REPORT

Sup#: <u>N/A</u>	Type: <u>Inmate Involved</u>	Incident Date: <u>11/14/2004</u>	Time: <u>11:35</u>	Confidential: <u>No</u>
Facility: <u>HRYCI Howard R. Young Correctional Institution</u>			Followup Required: <u>No</u>	
Incident Location: <u>RECEIVING ROOM</u>				
Location Description: <u>receiving room #122</u>				
Violated Conditions: <u>Other</u>				
Description of Incident:				
<p>On the date, and time while relieving 12x8 shift I C/O Fields did a check on I/M Barkes, Christopher approximately 0740hrs by knocking on the window in room 122, and asking I/M Barkes was he okay, he responded with "yes". Approximately 1045 hrs after doing a fugitive warrant I C/O Fields went up front to hand paper work to primary, the captain quarters while walking by room 122 window I C/O Fields look inside and seen I/M Barkes laying in the bed awoke. When I returned at approximately 1100 I/M Barkes was in the same position. Approximately 1135 while OFFICER Martelli was starting to run chow, I C/O Fields was calling in the headcount for booking and receiving when OFFICER Martelli called a Code 7. I notified primary with the code 7, and secure the area and responded in the back with Officer Martelli, and Cpl. Rayne. Approximately 1138 medical Nurse Colleen Bell, Courtney Kenton, and Gabriel Terminus responded in room 122 and took over the situation by starting CPR.</p>				
Injured Persons		Hospitalized	Nature Of Injuries	
N/A		N/A	N/A	
Evidence Type: <u>N/A</u>		Date Collected: <u>N/A</u>		
Discovered By: <u>N/A</u>		Secured By: <u>N/A</u>		
Type of Force Used: <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE				
Restraints Used : <u>N/A</u>				
Immediate Action Taken:				
N/A				
Individuals Involved				
Person Code	Name	SBI#	Title	
Inmate	Christopher, Barkes	00361999	N/A	
Staff	Stephen, Martelli	N/A	Booking/Receiving Room Officer	
Staff	Dorene, Fields	N/A	Booking/Receiving Room Officer	
Staff	Sandra, Rayne	N/A	Booking/Receiving Room Officer	
Reporting Officer: <u>Fields, Dorene (Booking/Receiving Room Officer)</u>		Entered By: <u>Fields, Dorene (Booking/Receiving Room Officer)</u>		
Approval Information				
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>11/14/2004</u> Approved by: <u>Polk, John W (Staff Lt./Lt)</u>				
Comments: <u>N/A</u>				

D00002

3009891

HRICI Howard R. Young Correctional Institution

Date: 11/15/2004

1301 E. 12th Street

WILMINGTON DE, 19809

Phone#: 302-429-7700

INCIDENT REPORToup#: N/AType: Inmate InvolvedIncident Date: 11/14/2004Time: 11:35Confidential: NoFacility: HRICI Howard R. Young Correctional InstitutionFollowup Required: NoIncident Location: RECEIVING ROOMLocation Description: RECEIVING ROOM ROOM 122Violated Conditions: Other

Description of Incident:

Approx 1135 IC/O Martelli was feeding lunch when IC/O Martelli entered 122 to feed Det Barkes Christopher 361999. At that time IC/O MARTELLI ENTER 122 TO CHECK ON DET BARKES. AT THAT TIME DET BARKES WAS HANGING FROM THE STEEL PARKA IN ROOM 122. AT THAT TIME IC/O MARTELLI INFORMED C/O FIELDS TO CALL CODE 7. AT APPROX 1137 CODE 7 WAS CALLED IC/O MARTELLI UNTIED DET BARKES AND LOWERED TO FLOOR.

Injured Persons	Hospitalized	Nature Of Injuries
N/A	N/A	N/A

Evidence Type: N/ADate Collected: N/ADiscovered By: N/ASecured By: N/AType of Force Used: ☐ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☐ CAPSTUN ☒ NONERestraints Used : N/A

Immediate Action Taken:

N/A

Individuals Involved

Person Code	Name	SBI#	Title
Inmate	Christopher, Barkes	00361999	N/A
Staff	Dorene, Fields	N/A	Booking/Receiving Room Officer
Staff	Stephen, Martelli	N/A	Booking/Receiving Room Officer
Staff	Sandra, Rayne	N/A	Booking/Receiving Room Officer

Reporting Officer: Martelli, Stephen (Booking/Receiving Room Officer)Entered By: Martelli, Stephen (Booking/Receiving Room Officer)

Approval Information

☒ Approved ☐ Disapproved Date: 11/14/2004 Approved by: Polk, John W (Staff Lt./Lt)
Comments: N/A

D000003

INCIDENT#
3009895

HRyci Howard R. Young Correctional Institution

Date: 11/15/2004

1301 E. 12th Street

WILMINGTON DE. 19809

Phone#: 302-429-7700

INCIDENT REPORT

up#: N/A

Type: Inmate Involved

Incident Date: 11/14/2004

Time: 11:35

Confidential: No

Facility: HRyci Howard R. Young Correctional Institution

Followup Required: No

Incident Location: RECEIVING ROOM

Location Description: RECEIVING ROOM CELL#122

Violated Conditions: Other

Description of Incident:

ON THE ABOVE DATE AND APPROXIMATE TIME, OFFICER MARTELLI WAS FEEDING LUNCH TO THE INMATES IN BOOKING AND RECEIVING. WHEN OFFICER MARTELLI WENT INTO CELL#122 TO FEED INMATE BARKES, CHRISTOPHER, HE YELLED FOR CPL RAYNE. CPL RAYNE WAS IN ROUTE TO PRIMARY CONTROL. CPL RAYNE RAN INTO CELL#122 AND FOUND INMATE BARKES HANGING BY HIS NECK WITH A SHEET. INMATE BARKES HAD MUCUS COMING OUT OF HIS NOSE AND MOUTH. OFFICER MARTELLI YELLED FOR OFFICER FIELDS TO CALL A CODE 7. CPL RAYNE AND OFFICER MARTELLI WAS TRYING TO UNTIE THE SHEET. CPL RAYNE TOLD OFFICER MARTELLI TO GO GET THE CUTTER. OFFICER MARTELLI RAN TO THE KEY BOX WHERE THE CUTTER IS KEPT. CPL RAYNE RAN AFTER HIM BECAUSE SHE HAD THE KEY THAT OPENS THE KEY BOX ON HER PERSON. CPL RAYNE TOOK OUT THE SCISSORS AND THE CUTTER. OFFICER MARTELLI AND CPL RAYNE RAN BACK TO CELL#122, OFFICER MARTELLI WAS TRYING TO CUT INMATE BARKES DOWN WITH THE CUTTER. CPL RAYNE WAS TRYING TO HOLD INMATE BARKES BODY. CPL RAYNE BEGAN TRYING TO CUT HIM DOWN WITH THE SCISSORS. CPL RAYNE TOLD OFFICER MARTELLI TO TRY TO UNTIE THE SHEET. OFFICER MARTELLI WAS ABLE TO UNTIE THE SHEET. SGT WAY THE FIRST FLOOR LEAD WORKER ARRIVED WITH MEDICAL STAFF. CPL RAYNE GAVE SGT WAY THE CUTTERS TO CUT THE SHEET OFF OF INMATE BARKES NECK. CPL RAYNE LEFT THE CELL WHILE MEDICAL STAFF WORKED ON INMATE BARKES. BARKES, CHRISTOPHER INMATE#361999 D.O.B. 12/12/1966 WAS HOUSED IN BOOKING AND RECEIVING BECAUSE HE VIOLATED HIS PROBATION. HE CAME IN ON SATURDAY AT 1445 WITH PLUMMER CENTER. INMATE BARKES WAS DUE TO BE TRANSFERRED TO THE V.O.P. BUILDING ON MONDAY MORNING. INMATE BARKES WAS PLACED IN CELL#122 WHICH IS LOCATED ON THE RIGHT HAND SIDE WHEN YOU ENTER BOOKING AND RECEIVING. THERE IS A BIG WINDOW IN THE CELL WHERE INMATE BARKES WAS LOCATED. CPL RAYNE LAST CHECKED ON INMATE BARKES AT APPROXIMATELY 1050. INMATE BARKES WAS ASKED BY CPL RAYNE IF HE WANTED TO TAKE A SHOWER. INMATE BARKES STATED THAT HE WAS OK AND SAID NO. CPL RAYNE ASKED HIM WAS HE SURE, INMATE BARKES SHOOK HIS HEAD AND SAID NO AGAIN. INMATE BARKES LAID BACK ON THE BOTTOM BUNK.

Injured Persons	Hospitalized	Nature Of Injuries
N/A	N/A	N/A

Evidence Type: N/A

Date Collected: N/A

Discovered By: N/A

Secured By: N/A

Type of Force Used: ☐ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☐ CAPSTUN ☒ NONE

Restraints Used : N/A

Immediate Action Taken:

CALL A CODE 7

Individuals Involved			
Person Code	Name	SBI#	Title
Inmate	Christopher, Barkes	00361999	N/A
Staff	Sandra, Rayne	N/A	Booking/Receiving Room Officer
Staff	Stephen, Martelli	N/A	Booking/Receiving Room Officer
Staff	Dorene, Fields	N/A	Booking/Receiving Room Officer
Staff	Fred, Way III	N/A	CO Corporal/Sgt. - Large Inst.

Reporting Officer: Rayne, Sandra (Booking/Receiving Room Officer)

Entered By: Rayne, Sandra (Booking/Receiving Room Officer)

Incident#
3009895**HRICI Howard R. Young Correctional Institution****Date: 11/15/2004****1301 E. 12th Street**
WILMINGTON DE, 19809**Phone#: 302-429-7700****INCIDENT REPORT****Supp: N/A****Type: Inmate Involved****Incident Date: 11/14/2004****Time: 11:35****Confidential: No****Approval Information**☐ **Approved** ☐ **Disapproved** **Date:****Approved by:****Comments: N/A**

D00006

Downey Ann (DOC)

From: Phelps Perry (DOC)
Sent: Monday, November 15, 2004 11:04 AM
To: Howard Paul (DOC)
Cc: Williams Raphael (DOC); Downey Ann (DOC); Mann Sue (DOC)
Subject: I/M Christopher Barkes #00361999

Chief,

The official time of death is 1242 hours 11/14/2004. I/M Barkes was seen upon his arrival on 11/13/04 @ 1500 hours.

During the standard intake screening, he was asked had he ever attempted suicide and he said yes, which was the (2003) incident not (2001) which I had previously relayed to you. He also stated that he was taking several mental health medications, which an order was written and he received on Saturday night. He did not receive any on Sunday, simply because the medical cart had not arrived in his area yet.

The issue with the Intake mental health screening goes like this, there are 17 questions on the suicide prevention screening form. at the bottom of the form reads like this: Actions, if total checks in Column A are 8 or more, notify Provider on call.

The score only totaled up to 2, the two yes answers were patient has psychiatric history and has previous suicide attempt. (overdose 2003). Therefore, the threshold of eight or more yes answers were not met. I have included a copy of the Mental Health Screening form for your review.

Should you have any questions or comments please feel free to contact me at 429-7746.

11/15/2004

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**DELAWARE HEALTH
AND SOCIAL SERVICES**OFFICE OF CHIEF MEDICAL EXAMINER
FORENSIC SCIENCES LABORATORYRichard T. Callery, M.D., F.C.A.P.
Chief Medical Examiner
Director, Forensic Sciences Laboratory**Toxicology Report**

Name CHRISTOPHER BARKES

Case No. N 04-1892

Tox No. 04-0668

Rec'd in Lab by Jessica Jennings

Date 11/15/2004

Time 12:57

Medical Examiner Jennie Vershovovsky, MD

OCME Screens

Procedure	Specimen	Compound	Result
Postmortem Drug Screen 1 By EIA	Heart Blood		None Detected

* Enzyme Immunoassay (EIA) provides only a preliminary analytical result that is contingent upon a confirmatory test.

OCME Confirmations

Procedure	Specimen	Compound	Result
Alcohol Analysis By GC/FID	Heart Blood		None Detected

Certifying Toxicologist12/3/04
Date

12/2 /2004

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RECEIVED
35/05

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Page 1 of 1

STANDARD OPERATING PROCEDURE	POLICY NUMBER	PAGE NUMBER
DEPARTMENT OF CORRECTION BUREAU OF PRISONS HOWARD R YOUNG CORRECTIONAL INSTITUTION	190.04	1 OF 4
EFFECTIVE DATE: JANUARY 1, 2001	OPR: HEALTH CARE	
APPROVED BY WARDEN:	SUBJECT: SUICIDE PREVENTION	
REFERENCES:		

I. POLICY: It is the policy of HRYCI personnel to provide special training by qualified instructors in order to identify and monitor those offenders who may be a suicide risk during intake processing and/or the identification and supervision of suicide-prone offenders during their incarceration. The suicide prevention and intervention program shall be reviewed and approved by a qualified medical or mental health professional.

II. SCOPE: This procedure shall apply to all Howard R Young Correctional Institution personnel.

III. PROCEDURE:

A. Recognizing suicide potential during the admissions/classification process

1. Medical screening is conducted by a member of the medical staff who will consider the suicide potential of an offender in regard to the following factors:
 - a. Severe alcohol/drug dependence
 - b. Psychiatric potential suffering from impaired judgment or history of mental illness.
 - c. Chronic physical problems
2. Classification interview - Classification Specialists shall consider offenders a suicide risk if they possess the above risk factors and state that they:
 - a. Have a history of recent or recurrent suicide attempts.
 - b. Have seriously contemplated suicide in the past or present.
 - c. Have extreme depression or impulsiveness, including feelings of hopelessness that appear to be chronic.
 - d. Have been admitted to a mental hospital or crisis center for attempted suicide.

B. Post admission indicators of suicide potential

1. Some offenders, during their incarceration, may begin to experience suicidal thoughts or conversations, and those who are contemplating suicide, will display signs of depression.
2. During a suicidal crisis, most persons will display either some or all of the following signs of depression:

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STANDARD OPERATING PROCEDURE	POLICY NUMBER	PAGE NUMBER
DEPARTMENT OF CORRECTION BUREAU OF PRISONS HOWARD R YOUNG CORRECTIONAL INSTITUTION	190.04	2 OF 4
SUBJECT: OFFENDER MOVEMENT		

- a. Sadness or crying
 - b. Withdrawal or silence
 - c. Loss or gain of appetite marked by noticeable weight gain or loss
 - d. Insomnia
 - e. Mood variation (in many cases, extreme and unexplained)
 - f. Lethargy (slowing of physical movements such as walking and talking)
 - g. Changes in behavior such as giving away personal possessions, planning a funeral, putting affairs in order, etc.
3. Additionally, many offenders may give a housing unit officer verbal cues that indicate a suicide crisis is impending, such as:
- a. Projecting feelings of hopelessness and helplessness
 - b. Speaking about getting out of jail unrealistically
 - c. Not effectively dealing with the present and being preoccupied with the past
 - d. Explaining intentions to commit suicide
 - e. Increasing difficulty relating to others
 - f. Exhibiting sudden changes in behavior (i.e., makes an unprovoked attack on a Correctional Officer)
4. Offenders who should be observed closely for possible suicidal tendencies are:
- a. Older offenders
 - b. Chronically or terminally ill offenders
 - c. Offenders recuperating from major surgery
 - d. Anyone subjected to homosexual assault
 - e. Incarcerated law enforcement officers
 - f. Incarcerated professionals

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STANDARD OPERATING PROCEDURE	POLICY NUMBER	PAGE NUMBER
DEPARTMENT OF CORRECTION BUREAU OF PRISONS HOWARD R. YOUNG CORRECTIONAL INSTITUTION	190.04	3 OF 4
SUBJECT: OFFENDER MOVEMENT		

- g. Persons who have committed a crime of passion
5. If a Correctional Officer has reason to believe that an offender fits any of the aforementioned profiles:
- a. Immediately implement crisis intervention techniques
 - b. Notify the Shift or Housing Unit Supervisor
 - c. Document all information on an incident report and forward to security and medical personnel
- C. Crisis Intervention Techniques
1. When there is reason to believe that an offender fits a suicide potential profile, put crisis intervention techniques into effect.
 - a. Do not judge the offender
 - b. Talk, listen, discuss, keep lines of communication open, and be supportive
 - c. Ask pertinent questions; be direct
 - d. Do not give personal advice or be untruthful
 - e. Do not dare the offender
 - f. Do not act shocked or alarmed
 - g. Refer for professional help
 2. The following are guidelines to assist in a suicide crisis:
 - a. Recognize the clues - hopelessness, helplessness, haplessness
 - b. Trust your judgment - you have observed offenders and can recognize changes in behavior
 - c. Listen and be supportive
 - d. Attempt to diffuse the tension and agitation: inject a feeling of hope, but do not lie to the offender

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STANDARD OPERATING PROCEDURE	POLICY NUMBER	PAGE NUMBER
DEPARTMENT OF CORRECTION BUREAU OF PRISONS HOWARD R. YOUNG CORRECTIONAL INSTITUTION	190.04	4 OF 4
SUBJECT: OFFENDER MOVEMENT		

- e. Tell others - notify medical and supervisory staff
 - f. Document all pertinent information in an Incident Report
- D. Suicide Risk Assessment - The medical staff will assess an offender's potential for suicide using the following three (3) risk categories:
- 1. High Risk - Engages in self-mutilation which cannot be stopped by removing contraband and/or other material, i.e., banging head on floor or wall, biting or scratching self, attempts to remove body parts.
 - 2. Moderate Risk - Exhibits suicidal behavior and/or will not make a "no suicide" contract.
 - 3. Low Risk - May have been actively suicidal, i.e., thoughts, plans, movement toward implementing plans, but verbalizes feeling a significant decrease in stress and/or makes a "no suicide" contract.
- E. Housing assignment for suicidal offenders
- 1. Offenders identified by the medical staff as suicide risks will be assigned to cells designated in the infirmary for suicide observation. Security will maintain a fifteen-minute close observation (eye contact) process. This is to be documented on the close observation form.
 - 2. Suicidal offenders with other medical problems shall be assigned to a cell in the infirmary.
 - 3. Offenders who display suicidal tendencies will be evaluated by the medical health staff for housing assignment.

REVISED: MAY 1, 2005

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LESSON PLAN COVER SHEET

Course Title: Correctional Officer Training

Lesson Plan: Mental Health Overview

Instructor(s): D. Carroll Mental Health Clinician

Prepared by: Dianne Candek RN FCM Nurse Educator

Suggested Day: September 18, 2002

Allowed time: Two hours

Target Population: Delaware CO Cadets

Number of participants: 35

Performance Objectives:

1. CO's will understand the categories of mental illness.
2. CO's will have a basic understanding of signs of mental illness.
3. CO's will be able to recognize signs of potential suicide.
4. CO's will be able to appropriately notify mental health staff of potential mental health problems.

Evaluation Procedure:

1. Questions and answers.
2. Written Test

Presentation Guide:

1. Introduction:

- a. Discussion of some of the more common mental illnesses that may occur in the inmate population.
- b. Categorizing disorders.
 - Can lead to stigma or bias
 - We should not add to the stigma of mental illness

2. Categories of mental illness

a. Schizophrenic Disorder:

- Is a cluster of similar illnesses
- One of the most devastating illnesses known to man
- Caused by problems in the chemistry of the brain
- Characterized by two types of symptoms
 - Positive
 - Negative
- May show a marked decrease in responsiveness to the environment
- Difficulties in decision making, feeling or showing interest
- Difficulty socializing

- What CO staff can do
 - Refer to Mental Health Staff for evaluation
 - Encourage medication compliance
 - Keep your frustration level low with these patients
 - Decrease stimulation in their environment
- b. Major depressions:
 - Typically characterized by either depressed mood or the loss of interest or pleasure in nearly all activities for a period of at least two weeks.
 - Reduced appetite.
 - Insomnia.
 - Inability to sit still, pacing or hand-wringing.
 - Decreased energy.
 - Unrealistic feelings of worthlessness.
 - What the CO can do:
 - Refer inmate to the Mental Health staff.
 - Encourage medication compliance.
 - Assess frequently for suicide intent.
- c. Bipolar Disorder
 - Also known as Manic Depressive Disorder
 - Characterized by wide mood swings from manic to depressed.
 - Elevated mood is generally euphoric.
 - Inflated self esteem
 - Decreased need for sleep
 - Increase in goal directed activity
 - Thoughts may race
 - What the CO can do:
 - Refer the inmate to the Mental Health staff.
 - Encourage medication compliance.
 - Be aware that manic cycles develop rapidly.
- d. Anxiety Disorders
 - Characterized by anxiety, nervousness, worry.
 - Panic attack
 - Sudden onset of intense discomfort, apprehension, terror, often associated with a sense of impending doom. May include the following symptoms:
 - Increased heart rate
 - Sweating
 - Trembling
 - Chest pain
 - Dizziness, lightheadedness
 - Feelings of unreality
 - Generalized anxiety
 - Will feel excessive anxiety and worry for a prolonged period of time, usually greater than six months, about a number of events or activities.
 - Symptoms may include:
 - Restlessness
 - Easily fatigued
 - Difficulty concentrating
 - Sleep disturbance
 - What CO staff can do:
 - Refer inmate to Mental Health staff
 - Encourage medication compliance
 - Be aware that these people are at risk for becoming abusive of, or addicted to their medications.

e. Antisocial Personality Disorder

- A pattern or disregard for, and violation of, the wishes, rights and feelings of others.
- These persons fail to conform to social norms with respect to lawful behavior and frequently are deceitful and manipulative.
- These individuals tend to be irresponsible in all facets of life, such as work, finances, and family.
- They show little remorse.
- These individuals may appear to be very charming and appear verbal and bright but lack guilt, empathy or sorrow.
- What the CO can do:
 - Set very firm structure and relationships with these individuals.
 - Take extra time to investigate stories and requests.
 - Closely monitor requests for extra medications.
 - Frequently assess for the presence of substance abuse.
 - Provide structure, but do it respectfully.

f. Borderline Personality Disorder

- These individuals have extreme difficulty maintaining stability in several areas of their lives.
- They have difficulty knowing who they are, what they value, what they like and what they want to do.
- They may rapidly shift moods within a few hours.
- They may have difficulty controlling their anger.
- They may frequently threaten suicide.
- What the CO staff can do:
 - Be as consistent with these individuals as possible.
 - Remain focused with these individuals.
 - Respond to crisis as calmly as possible.

g. Mental Retardation

- Significant sub-average intelligence accompanied by limitations in adaptive functioning.
- They have difficulty in meeting their own day to day living needs.
- These individuals are diagnosed by a standardized intelligence test.
- An important point to remember is someone may not score well on a test of intelligence due to a lack of education or a different cultural background and this does not necessarily mean they are retarded.

3. Suicide Prevention

a. Some of the important issues to become familiar with:

- Most people who commit suicide have made either direct or indirect statements indicating their suicidal intentions.
- Most suicidal acts represent a carefully thought out strategy.
- Most suicidal people are not intent on dying. Part of them wants to remain alive and part of them wants not to die, but for the pain to end.
- You can not make someone suicidal. Asking a despairing person about suicide shows them that you are interested and you care about them.
- Statistics show that suicides in custodial settings occur several times (2x to 16x) more often than in the community. Suicide is the number one cause of death in adult detention facilities.

b. High risk suicide periods in correctional settings:

- The first 24 hours of confinement
- Waiting for trial
- Sentencing
- Impending release
- Holidays
- Decreased staff supervision

- c. Potential predisposing factors:
 - o Recent excessive drinking/use of drugs
 - o Recent loss of stabilizing resources
 - o Severe guilt or shame over the offense
 - o Same sex rape or threat of it
 - o Poor health or terminal illness
 - o Mental illness
- d. Emotional and behavioral warning signs:
 - o Depression
 - Overwhelming pain, hopelessness, helplessness, social isolation, loss of interest in activities previously enjoyed
 - o Suicidal behavior
 - Verbal or written statement of suicidal intention
 - Previous suicide attempt
 - Self inflicted injuries
 - Saying good-bye or making statements such as, "You won't have to worry about me anymore" or "I want to go to sleep and never wake up".
- e. What CO staff can do:
 - o Listen: Give the person an opportunity to unburden their troubles and ventilate their feelings
 - o Give them relief from being alone with their pain. Let them know that you are glad they turned to you
 - o Avoid arguments and advice giving
 - o **REFER IMMEDIATELY TO MEDICAL/MENTAL HEALTH.**
 - o If the person is unable/unwilling to keep themselves safe, they will be placed on a suicide watch.
- f. Suicide Watch
 - These inmates are moved to the medical unit or mental health unit.
 - They are placed usually in paper gowns, with a canvas suicide blanket and watched constantly or more often, every 15 minutes.
 - All means to help them hurt themselves are removed.
 - Only finger foods and Styrofoam containers are allowed.
 - As their condition improves, their level of suicide watch is gradually made less restrictive.

OVERVIEW OF SERIOUS MENTAL ILLNESS

INTRODUCTION

We're meeting today to talk about some of the more common major mental illnesses that you might see working with the inmate population everyday. The main tool used for identifying/classifying these disorders is the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV). The DSM IV loosely defines a mental disorder as "a clinically significant behavioral or psychological syndrome or pattern that occurs in a person and that is associated with distress (a painful syndrome) or disability (impairment in one or more areas of functioning) or with a significantly increased risk of suffering death, pain, disability or an important loss of freedom." What this means is that someone's psychiatric disorder is causing significant loss of functioning in everyday life, sometimes to the extent that it is putting someone's well-being in danger. Many of the characteristics of the disorders we will talk about today do happen to people everywhere, everyday - just not at the frequency or intensity which makes them a mental illness. We have all felt depressed, anxious, thought we heard a knock at the door, thought someone was talking about us, driven for a period of time without realizing how we got there, etc. Recognizing this can help you to be more empathic in your work - recognizing that we are more alike than we are different.

Each person we encounter brings with them a cultural background which has an effect on their life and the expression of their symptoms. Some symptoms are described or expressed differently in different cultures. Additionally, many behaviors or beliefs which may be considered abnormal by the dominant culture, are within the normal range of beliefs or behaviors of an individual's culture. Examples? It is always important to be sensitive to what a behavior or belief means to an individual in reference to their cultural background.

Categorizing disorders does not mean categorizing people. Categorizing people can lead to stigma, or bias against an individual because of characteristics attributed to them. People with mental illness are one of the most stigmatized groups in the world. The stigma affects their feelings about themselves, their hopefulness about whether or not they can recover, and their ability to form relationships with others. It is important, when working with inmates with major psychiatric disorders, to do so in such a way that we do not add to the stigmatization. Be careful of the language you use. Instead of calling them a schizophrenic, or depressive, or borderline, or worse, crazy, nuts, etc., we might better refer to them as a person - a person with a disorder or disability. Also remember that there is no assumption that all individuals described as having the same mental disorder are alike in all important ways. People are individuals. Their individual traits and histories will define their needs as much as their individual illness. Take time to get to know the

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person. If you remain focused on individuality, it becomes hard to generalize or stigmatize.

CATEGORIES OF MENTAL DISORDERS

The DSM IV divides mental disorders into several categories, which are further divided onto different axes or dimensions. On Axis I, we find the major psychiatric diagnosis. These are acute episodes of illness, which are typically treatable with medication, psychotherapy, or some combination of the two. This would include things like Schizophrenic Disorder, Depressive Disorder, Bipolar Disorder, and Anxiety Disorders. Substance abuse or dependence is also recorded on Axis I. Axis II records Personality Disorders, such as Antisocial Personality Disorder and Borderline Personality Disorder (two of the more common you might see in the inmate population). These are enduring, habitual ways of perceiving, thinking about, and relating to the world and ourselves. These conditions tend to be more difficult to manage clinically. Also included on Axis II is Mental Retardation.

Axis I Disorders

Schizophrenic Disorder: Probably not a single illness, but a cluster of similar illnesses, each with its own course and prognosis. One of the most devastating illnesses known to man, because it affects so many areas of a person's life and can create tremendous disability. Also one of the illnesses least understood by the general public, causing great fear and stigma. Schizophrenic Disorder is caused by problems in the chemistry of the brain. Medications that people are on directly affect the production of these chemicals in the brain. There is evidence that there is a strong genetic component to the development of this disorder, however non-genetic factors also play a role. Schizophrenic Disorder typically first strikes an individual during the late adolescent or early adulthood years. Because this is such an important age period for our development, Schizophrenic Disorder may create disabilities in the development of many adult activities. Once thought to be part of the illness, these deficits are now understood to be the result of the illness interrupting appropriate development during this stage. Therefore, we can assist people with Schizophrenic Disorder to overcome some of the difficulties of their illness.

Schizophrenic Disorder is characterized by two types of symptoms which are called positive and negative symptoms. Positive symptoms are not "good" symptoms. They are active, present signs of disruption in the thinking and sensory processes of the brain. They represent an excess or distortion of normal functioning. Negative symptoms appear to be a lessening or loss of normal functions. It is important to realize that this is a highly individual illness, and people will have varying manifestations. Some people may have only one or two symptoms and very mild disturbances in everyday functioning, while other people may have problems in many areas. That is why it is important to consider each individual's disabilities, as well as assets, so that we might help them to build upon and maximize their intact areas of functioning.

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of auditory hallucinations, you should always refer the person to a physician to rule out a medical cause.

Affect: A person experiencing Schizophrenic Disorder may display a flat, immobile, unresponsive facial expression, with poor eye contact, monotone speech, and reduced body language ("affective flattening"). Although a person with affective flattening may smile and warm up occasionally, their range of emotional expressiveness is clearly diminished most of the time. Other times, the person may laugh, cry, or have outbursts of anger, apparently unrelated to what is happening ("inappropriate affect").

Movement and Activity: With Schizophrenic Disorder may come a disturbance in a person's ability to move normally. People may show a marked decrease in responsiveness to the environment, which can reach the point of total unawareness, and may be slowed down, sometimes to the point of immobility ("catatonia"). There may be posturing, odd movements, gesturing, grimacing, or purposeless and unstimulated excessive motor activity. Important to be aware that movement problems may be related to medication side effects. Disorganized behavior may lead to problems in any type of goal directed behavior, so that people may have difficulties performing activities of daily living, such as maintaining hygiene. They may appear disheveled or unusual. They may have difficulties initiating or self-directing activity, making decisions, or feeling/showing interest. This can frequently be frustrating for staff. It is important to remember that this is a symptom of the illness, not a deliberate attempt to be frustrating. People with Schizophrenic Disorder are coping with a number of difficult things, and often have difficulty socializing. Withdrawal and detachment are common interactional styles. Conversely, they sometimes can be intrusive and fail to recognize limits of personal space.

WHAT STAFF CAN DO:

1. If you recognize these signs of Schizophrenic Disorder, refer inmate to mental health for evaluation.
2. Encourage medication compliance.
3. Schizophrenic Disorder is expressed through difficulties processing information. Be clear and concrete in what you are saying to people. Check to insure that you that you have heard them correctly, and that you have been heard correctly.
4. Be respectful. Being simple and concrete does not mean talking to people as though they are children or are unable to understand, rather, it is giving information in a way that it is easily absorbed.
5. Keep your emotion and frustration level low. Do not respond to people with high levels of emotion. Allow yourself enough time to interact with people without rushing them.
6. Meet the person where they are. Do not insist that they adopt your version of reality.
7. Decrease stimulation in the immediate environment.
8. Schizophrenic Disorder and its symptoms can be very frightening to the person experiencing it. Provide support and security when someone is experiencing

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Areas of functioning which may be affected by Schizophrenic disorder include:

Thinking: Inference of disordered thinking is usually based primarily on the individual's speech. Disorganized thinking may manifest in a variety of ways. Speech may shift from one topic to another without any apparent awareness that the ideas are unrelated ("derailment," "looseness of associations"), or disturbance might occur within a clause, so that words or phrases are joined together without logical connection ("incoherence," "word salad"). Answers to questions may be only slightly, or not at all related ("tangentiality"). People may be speaking a normal amount, but giving very little information because they are so vague ("poverty of thought"), or may be unable to communicate or find an idea at all ("thought blocking"). Additionally, people may go over and over the same information, unable to move from a subject ("perseveration"), or may use non-words to convey meaning ("neologisms").

Disturbances in thinking may also involve delusions, which are false, fixed beliefs. These are erroneous beliefs that most people in a person's culture would regard as totally implausible. The content of these delusions may include any of a variety of themes. People may believe that they are being conspired against, tormented, attacked, harassed, cheated, followed, tricked, spied on, or subject to ridicule ("persecutory," "paranoid"). Other times, people may believe that certain gestures, comments, passages from books, newspapers, song lyrics, movies, television programs, or other environmental cues are specifically directed at them ("reference"). Other common delusions seen with Schizophrenic Disorder are the belief that your body or actions are being acted on or manipulated by some outside force ("control"), that outside thoughts have been put into your mind ("thought insertion"), that your thoughts have been taken away by some outside force ("thought withdrawal"), or the belief that one's thoughts are being broadcast out loud so that they can be perceived by others ("thought broadcasting"). Less common are thoughts of inflated power, worth, knowledge, identity or special relationship to a deity or famous person ("grandiose"), or thoughts pertaining to the appearance or functioning of the body ("somatic").

Perception: People with Schizophrenic Disorder may have difficulty accurately perceiving reality, including experiencing various types of hallucinations - a false sensory experience. Hallucinations may occur in any sensory modality (auditory, visual, olfactory, gustatory, tactile), but auditory hallucinations are by far the most common and characteristic of Schizophrenic Disorder. Auditory hallucinations are usually experienced as voices, whether familiar or unfamiliar, which the person perceives as distinct from their own thoughts, and which the person hears as coming from outside their head. The content might be quite variable, although threatening or pejorative voices are quite common. Often these voices speak directly to the person and comment on their behavior. The voices may command the person, which may create danger for the person or for others. When hallucinations occur in other sensory modalities, especially in the absence

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- frightening symptoms. Help someone to feel safe by using a soft voice, a non-threatening posture, and slow hand gestures. Let the person know what you are doing and why you are doing it. Reassure them. Do not use this as a time to argue with someone about what they are perceiving to be real.
9. Get to know the person behind the illness. Remember, Schizophrenic Disorder occurs in a pattern of exacerbation and remission. Hardly anyone is ill all the time. Recognize when people are doing well. Build on a person's strengths and areas of wellness.

Major Depression: While you might expect someone in a correctional setting to experience some depression as a normal response to their circumstance, sometimes these feelings become so intense or prolonged as to cause a major disruption in a person's day to day functioning. A Major Depressive Episode is typically characterized by either depressed mood or the loss of interest or pleasure in nearly all activities for a period of at least two weeks. These feelings occur for most of the day, nearly every day. The mood is often described as depressed, sad, hopeless, or discouraged. Some individuals emphasize somatic complaints, such as body aches or pains, while many report or exhibit increased irritability. Loss of interest or pleasure is almost always present to some degree, with the person reporting not caring anymore or not feeling any enjoyment in activities that were previously considered pleasurable. In addition, the person must experience at least four additional symptoms drawn from a list that includes:

Appetite: Usually reduced, with many individuals having to force themselves to eat. Others may report increased appetite, and may have specific cravings. Severe appetite changes in either direction may result in significant loss or gain in weight.

Sleep: Most common sleep disturbance is insomnia. Individuals typically wake too early and are unable to fall back asleep, or wake in the middle of the night, with difficulty returning to sleep. Difficulty falling asleep initially may also occur. Less frequently, individuals oversleep, with prolonged nighttime sleep or increased daytime sleep.

Movement and Activity: Motor changes may include the inability to sit still, pacing, or hand-wringing ("Psychomotor agitation"), or slowed body movements, speech, and thinking ("Psychomotor retardation"). Agitation or retardation must be severe enough to be observed by others, not simply subjective feelings of the individual.

Energy: Decreased energy, tiredness, and fatigue are common. Even the smallest tasks may require substantial effort. Individual may complain of exhaustion without physical exertion. Efficiency of task accomplishment may be reduced.

Sense of Self: Unrealistic feelings of inadequacy, worthlessness, self-blame, or guilt. The person may often look to cues in their environment to confirm these bad feelings about themselves. May misinterpret neutral or trivial events as evidence of personal defects, or have exaggerated sense of personal responsibility for events.

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Thinking: Many individuals report impaired ability to think, with poor concentration and attention, and indecisiveness. They may appear easily distracted or complain of memory difficulties.

Suicide: May have recurrent thoughts of death, believing that life is not worth living or that others would be better off without them. This may lead to suicidal thoughts or attempts.

Additionally, with severe depression, individuals may suffer from delusions or hallucinations. These are typically Mood Congruent, and could include the believe that you are evil or responsible for world tragedies, or that your body is rotting. Hallucinations are typically voices which harass the individual with accusations of personal failings, or encouraging suicide.

WHAT STAFF CAN DO:

1. If you recognize these signs of Major Depressive Disorder, refer inmate to Mental Health for evaluation.
2. Encourage medication compliance.
3. Remember that symptoms are part of an illness over which person has little control. This is not a sign of weakness or lack of character. Patience, respect, and care go a long way toward helping someone with a Major Depression.
4. Do not argue with self-perceptions, which may be a symptom of the disorder. It is more useful to help person develop some positive coping skills.
5. Assess frequently for suicidal ideation or intent.

Bipolar Disorder: Also know as Manic-Depressive Disorder, as it is characterized by wide swings of mood from manic to depressed. A manic episode is characterized by a distinct period where there is an abnormally and persistently elevated, expansive mood. The elevated mood may be described as euphoric, unusually good, or high. In addition, the mood disturbance must be accompanied by at least three additional symptoms from a list that includes:

Sense of Self: Inflated self-esteem is typically present, ranging from uncritical self-confidence to marked grandiosity, which may reach delusional proportions. Individuals may give advice on matters about which they have no special personal knowledge, or may embark on a task for which they have no particular experience or talent. Grandiose delusions are common, such as having a special relationship with God or some important figure, or being God or some important figure.

Sleep: Almost invariably, there is a decreased need for sleep, with people going for up to days without sleep, and yet not feeling tired. Feel full of energy.

Movement and Activity: Increase in goal directed activity. Often involves excessive planning of, and participation in multiple activities. May take on multiple new ventures,

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increase sociability, and imprudently become involved in pleasurable activities with no regard for possible consequences. This might include recklessness, buying sprees, sexual indiscretions, etc. Speech is pressured, loud, rapid, and difficult to interrupt. May be a nearly continuous flow of accelerated speech, with abrupt changes from one topic to another. This is because...

Thinking: Thoughts may race, often at a faster rate than can be articulated. There may be a reduced ability to differentiate between thoughts that are relevant to the topic from those that may not be. There is an inability to screen out external stimulation, so the individual may be distractible.

People with mania often do not recognize that they are ill, and resist efforts to intervene. They may rapidly shift to anger, irritability, or depression, especially when they are thwarted. They may make suicidal threats or gestures.

WHAT STAFF CAN DO:

1. If you recognize these signs of Bipolar Disorder, refer inmate to Mental Health for evaluation.
2. Encourage medication compliance.
3. Be aware that manic cycles usually develop rapidly. Early intervention in the cycle may prevent full blown mania.

Anxiety Disorders: Anxiety Disorders are characterized, not surprisingly, by anxiety, nervousness, worry. These are the symptoms most common in the general population, and for which the most psychiatric prescriptions are written each year. It is also not surprising that such symptoms would be common in a correctional setting. Like depression, this might be a normal reaction to the circumstance. However, sometimes the symptoms become so intense or prolonged as to create a serious disruption in a person's day to day functioning, and may require intervention.

A **Panic Attack** is a discrete period in which there is a sudden onset of intense discomfort, apprehension, fearfulness, or terror, often associated with a sense of impending doom. The discomfort may include symptoms, such as:

1. palpitations, pounding heart, or accelerated heart rate
2. sweating
3. trembling or shaking
4. sensations of shortness of breath or smothering
5. feelings of choking
6. chest pain or discomfort
7. nausea or abdominal distress
8. feeling dizzy, unsteady, lightheaded, or faint
9. feelings of unreality (derealization) or being detached from oneself (depersonalization)

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10. fear of losing control or going crazy
11. fear of dying
12. numbness or tingling sensations (paresthesias)
13. chills or hot flushes

Generalized Anxiety occurs when a person feels excessive anxiety and worry, more days than not, for a prolonged period of time (greater than six months), about a number of events or activities. The person finds it difficult to control the worry and anxiety, which is associated with three or more of the following symptoms:

1. restlessness or feeling keyed up or on edge
2. being easily fatigued
3. difficulty concentrating or mind going blank
4. irritability
5. muscle tension
6. sleep disturbance (difficulty falling or staying asleep, or restless, unsatisfying sleep)

WHAT STAFF CAN DO:

1. If you recognize these signs of an Anxiety Disorder, refer inmate to Mental Health for evaluation.
2. Encourage medication compliance. Be aware, though, that people with anxiety disorders are at risk for becoming abusive of, or addicted to their medication. It is important to help them monitor medication use.
3. Help person to develop and use additional, non-medication coping strategies for their illness, such as relaxation.

Axis II Disorders

Each of us has a personality and personality traits. Personality traits are our enduring, or habitual, ways of perceiving, thinking about, and relating to the world and oneself. We tend to be consistent in these patterns through a wide range of situations, but also have some flexibility in our approach to situations, particularly if our usual way is not working. A person is considered to have a personality disorder when their way of interpreting the world and acting in it is inflexible, not adaptive to situations, and causes them significant distress or problems in everyday life functioning. These difficulties are not brief or transitory, but are stable, enduring, and characteristic of the person's long term functioning, across a broad range of personal and social situations.

Antisocial Personality Disorder : A pervasive pattern of disregard for, and violation of, the wishes, rights, and feelings of others. People with Antisocial Personality Disorder fail to conform to social norms with respect to lawful behavior, and frequently are deceitful and manipulative in order to gain personal profit or pleasure. They may repeatedly lie, use an alias, con others, or malingering. Decisions may be made on the spur of the moment, with no forethought or consideration of the consequences to self or others. Tend to be

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irritable and aggressive, and may repeatedly get into fights or commit acts of physical assault. These individuals display a reckless disregard for their safety or the safety of others, which may be manifested through such things as speeding, DUI's, substance use, or sexual behavior that has a high risk for harmful consequences. They tend not to have monogamous relationships, or to follow through on their responsibilities to family or children. Individuals with Antisocial Personality Disorder tend to be consistently irresponsible in all facets of life, such as work, finances, and family. They show little if any remorse for the consequences of their acts. May be indifferent to, or provide superficial rationalizations for having hurt, mistreated, or stolen from others ("life's unfair," "they had it coming," "losers deserve to lose"). They may superficially appear quite personally charming, and appear verbal and bright, but lack any empathy, guilt, or sorrow for the consequences they cause others.

WHAT STAFF CAN DO:

1. Set very firm structure around your interactions and relationships with the person. Be as predictable and consistent as you can.
2. Take extra time to investigate stories and requests.
3. Closely monitor requests for extra medication.
4. Utilize natural consequences.
5. Frequently assess for the presence of substance abuse problems (even here).
6. Take care in placement. Don't place someone who could be victimized with an antisocial cellmate.
7. Provide some of the structure and control which the person is unable to provide for themselves, but do it respectfully, with the intention to assist rather than control.

Borderline Personality Disorder: A person is said to have Borderline Personality Disorder when they have pervasive and extreme difficulty maintaining stability in several areas of their lives. They have a sense of impending separation, rejection, or abandonment, or loss of structure, which they make frantic efforts to avoid, and which can lead to profound changes in self-image, mood, thought, and behavior. They have difficulty knowing who they are, what they value, what they like, what they want to do, what kind of person they want a relationship with ("unstable sense of self"). They may move from overvaluing, idealizing a person, wanting to spend a great deal of time together, very quickly to devaluing the person, feeling that the other does not care enough, is not there enough, does not give enough ("unstable sense of others"). They may rapidly shift moods, within a few hours, rarely more than a few days ("unstable sense of emotion"). People with Borderline Personality Disorder tend to impulsively act in ways that can be harmful to them, such as overspending, substance abuse, casual sex, binge eating, or recklessness. They may have great difficulty controlling their anger, which is often intense and out of proportion to the situation causing it. People with Borderline Personality Disorder may experience a sense of boredom or emptiness, and may sometimes feel as though they do not exist at all. They may frequently threaten suicide, make suicidal gestures, or engage in self-mutilation, such as cutting or burning the skin. These behaviors may be manipulative, but also may be their attempt to express anger, or

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to overcome the numbness and emptiness that they feel. People with Borderline Personality Disorder are often difficult and frustrating to work with.

WHAT STAFF CAN DO:

1. Remember, this is a very uncomfortable and painful way to live.
2. Be as consistent as possible. No matter how the person is feeling (likes you/hates you, happy/depressed), you should be the same person - patient, helpful, and calm.
3. Remain focused. Listen to the person's concerns, but try not to get too side-tracked. Remain consistently supportive, without taking sides.
4. Respond to crisis as calmly and predictably as possible.
5. Recognize your role in conflict, and your responses which might exacerbate a situation. People with Borderline Personality Disorder may evoke strong emotional responses from others. It is part of your professional role to engage in self-examination, and to respond professionally, not in anger, or with overstepping professional limits.

Also looked at on Axis II is Mental Retardation. The essential feature of Mental Retardation is significantly subaverage intelligence, as measured by a standardized intelligence test, accompanied by significant limitations in adaptive functioning. Adaptive functioning refers to how effectively individuals cope with common life demands, and how well they meet the standards of personal independence expected of someone in their particular age group, cultural background, and community setting. This would include such areas as self-care, communication, social skills, work, safety, self direction, health, etc. The important point to keep in mind here is that there are many reasons why someone may not score well on a test of intelligence, from lack of education to different cultural background. This does not make them Mentally Retarded. In order to be diagnosed, considered Mentally Retarded, you must also not be able to meet your own day to day living needs. This is an important distinction in how we think about people.

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SUICIDE PREVENTION

Suicide may be associated with a wide variety of inmates and situations, so it is important to become familiar with the issues around suicide and suicide prevention.

MYTH: People who make suicidal statements/threaten suicide don't commit suicide.

FACT: Most people who commit suicide have made either direct or indirect statements indicating their suicidal intentions. More than 75% of all completed suicides did things in the few weeks or months prior to their deaths to indicate to others that they were in deep despair.

MYTH: Suicide is an impulsive act in response to an immediate situation/happens suddenly and without warning.

FACT: Most suicidal acts represent a carefully thought out strategy for coping with serious personal problems.

MYTH: People who attempt suicide have gotten it out of their system and won't attempt it again.

FACT: Four out of five persons who kill themselves have made at least one prior attempt.

MYTH: If someone is going to kill themselves, there's nothing you can do to stop them.

FACT: Most suicidal people are not intent on dying. They are ambivalent about living. Part of them wants to remain alive (the part that is telling you), and part of them wants, not to die, but for the pain they are in to end.

MYTH: Talking to somebody about suicide may give them the idea/cause them to kill themselves.

FACT: People already have the idea. You can not make someone suicidal. Asking a despairing person about suicide shows them that you are interested and care about them, that you take them seriously, and that you are willing to let them share their pain with you.

MYTH: Suicide happens less frequently in the structure of a jail/prison setting.

FACT: Statistics show that suicides in custodial settings occur several times (2x to 16x) more often than in the community. Suicide is the number one cause of death in adult detention facilities.

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HIGH RISK SUICIDE PERIODS IN CORRECTIONAL SETTINGS

1. **The first 24 hours of confinement:** This is the most crucial period, especially the first 3 hours.
2. **Waiting for trial:** Waiting and the unknown can produce great anxiety/stress for many people.
3. **Sentencing:** The day of reckoning. Can be a breaking point for some inmates, including the repeat offender, who knows what kind of life to expect in prison, and can not bear the thought of returning.
4. **Impending release:** This can catch staff off guard, as this is usually considered something to look forward to. For some people, the adjustment back into the community may be difficult ("institutionalized"). The stigma of facing family, friends, or coworkers may feel too great. Severe guilt or shame may outweigh what we would consider the positives of release.
5. **Holidays:** Holidays often mean loved ones gathering together. This can add to the loneliness felt by inmates.
6. **Decreased staff supervision:** Many times, less staff is on duty during weekends, nights, and holidays. Suicide is a private act, and often occurs during these times. Fewer programs and activities also affect the atmosphere of the institution.

POTENTIAL PREDISPOSING FACTORS

1. **Recent excessive drinking/use of drugs:** Depression may set in when an inmate sobers up. In other cases, some drugs and alcohol can have a depressing effect. In yet other cases, alcohol/drugs can affect judgment and impulse control. All of these cases can influence suicide.
2. **Recent loss of stabilizing resources:** Wife/husband/loved one/parent, job, home, finances, status, self-esteem.
3. **Severe guilt or shame over the offense:** While some inmates involved in serious crimes commit suicide, most who take their own lives in prison are charged with relatively minor offenses. Guilt or shame may be inversely proportionate to the seriousness of the offense. Persons of high status in the community who commit shameful crimes, such as child molestation or sexual assault may need especially close attention.
4. **Same sex rape or threat of it:** Many inmates who were prevented from committing suicide reported, on interview, that they had been raped or leaned on heavily for sexual favors.
5. **Poor health or terminal illness:** While mainly a problem of the elderly, persons of all ages can become depressed when seriously ill.
6. **Mental illness:** While many people who do not suffer from serious mental illness do commit suicide, people who are severely depressed or suffer from delusions/hallucinations, with voices telling them what to do are at high risk for suicide.

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EMOTIONAL AND BEHAVIORAL WARNING SIGNS

1. **Depression:** Overwhelming pain, hopelessness, helplessness, social isolation, loss of interest in activities previously enjoyed, tearfulness, apathy, and other signs and symptoms of Major Depression. Sometimes, the early stages of recovery from depression can be a high risk period, because people may have the energy to act on their feelings. Depression that seems to quickly disappear for no apparent reason may be cause for concern, as it may suggest that the person has found relief in decision to suicide.
2. **Suicidal behavior:** Verbal or written statement of suicidal ideation or intent. Previous suicide attempts. Self-inflicted injuries, which may be an attempt to manipulate, but could actually be severe enough to cause accidental death. Saying good-bye, or making ambiguous/indirect statements, such as "You won't have to worry about me anymore," or "I'm going away," or "I want to go to sleep and never wake up". Giving away possessions. Development of a suicide plan, especially if there is access to means.

WHAT STAFF CAN DO

1. **Listen.** Give the person the opportunity to unburden their troubles and ventilate their feelings. You don't need to say much, and there are no magic words. If a suicidal person turns to you, it is likely that they believe that you are caring. No matter how negative the manner and content of their talk, they are doing a positive thing by turning to you, and they have a positive view of you. If you are concerned, your voice and manner will show it. Give them relief from being alone with their pain. Let them know that you are glad that they turned to you. Patience, sympathy, and acceptance. Avoid arguments and advice giving.
2. **Refer immediately to Medical/Mental Health.** If the person is unwilling/unable to keep themselves safe, they will be placed on a Suicide Watch.

SUICIDE WATCH

Inmates placed on a suicide watch are moved to a safe area (Medical Isolation or Segregation), where they are placed in paper gowns, usually with a canvas suicide blanket, and watched as much as constantly, but usually every 15 minutes. All other means by which they could hurt themselves are removed, to the extent that they are given only finger foods in Styrofoam containers. As their condition improves with treatment, the level of suicide watch is gradually made less restrictive. They may be given a mattress, some clothing, and regular food trays with utensils. They are watched with less frequency, from every 15 minutes, to every 30 minutes or every hour. Eventually, as the crisis passes, their privileges are completely restored, with a return to their previous housing status.

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SHORTNESS OF BREATH

- ✓ Can be caused by multiple problems including cardiac, diabetic and pulmonary problems. Should be addressed to the medical staff IMMEDIATELY. This is a potentially life-threatening situation.
- ✓ If an inmate is known to have respiratory problems and has an inhaler available to him/her, he/she should have immediate access to the inhaler.

DRUG & ALCOHOL WITHDRAWAL

- ✓ Alcohol withdrawal symptoms include:
 - Confusion
 - Nausea
 - Trembling
 - Nervousness
 - Hallucinations
 - Seizures
- ✓ Drug withdrawal symptoms include:
 - Nausea and vomiting
 - Abdominal pain
 - Profuse sweating
 - Agitation
 - Tremors
 - Seizures
- ✓ Notify the medical staff IMMEDIATELY if you even suspect someone is beginning to withdraw from alcohol (potentially life threatening) or drugs.

HANGING ATTEMPT

- ✓ IMMEDIATELY move the inmate to the floor.
- ✓ Loosen anything that is around the neck area.
- ✓ Call for medical assistance
- ✓ Begin CPR IMMEDIATELY, if there is no pulse or breathing



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DEPARTMENT OF CORRECTIONS
EMPLOYEE DEVELOPMENT CENTER
245 MCKEE ROAD
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Fax: (302) 739-5751

LESSON PLAN AUTHORIZATION

COURSE TITLE: CEIT

LESSON PLAN TITLE: **Hanging Situations (strangulation)**

DATE OF ORIGINAL: **05/09/90**

PREPARED BY: Fred Franze/Tony Figario

REVIEWED AND UPDATED BY: Fred Franze/Tony Figario

DATE: 09/14/06

APPROVALS:

Kathleen Trice Askin
Training Academy Administrator

DATE: 10/2/06

Ronald D. Sauls
Training Administrator II

DATE: 9/25/06

Training Administrator II

DATE: _____

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**DELAWARE DEPARTMENT OF CORRECTION
EMPLOYEE DEVELOPMENT CENTER
LESSON PLAN**

COURSE TITLE: CEIT

LESSON TITLE: Hanging Situations (strangulation)

**PREPARED BY: Fred Franze/Tony DATE: 5/9/90 Revised 9/14/06
Figario**

TIME FRAME	PARAMETERS
Hours: 30 Minutes	<p>Audience: Security and Support personnel working inside secured areas</p> <p>Number: As Required</p> <p>Space: As Required</p>
PERFORMANCE OBJECTIVES	EVALUATION TECHNIQUE
<ol style="list-style-type: none"> 1. Be able to identify parts of a body affected by hanging. 2. Be able to do ABC assessment. 3. Be able to perform basic emergency care for a hanging victim. 4. 	<ol style="list-style-type: none"> 1. Perform assessment and basic emergency care for a hanging victim. 2. 3. 4.

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INSTRUCTOR MATERIALS

Overheads DVD of CPR

Videotapes:

Slides

Posters

Reference Documents:

EQUIPMENT/SUPPLIES NEEDED

Flipchart & stands

Videotape player

Flipchart Markers

Videocamera

Masking tape

Televisions X

Slide projector
(Carousel)

Videoshow X

Overhead projector

Computers X

Projector screen X

STUDENT HANDOUTS

Needed:
As needed

Title Hanging attempt

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NIC Lesson Plan**Page 3****METHODS/TECHNIQUES**

Illustrated lecture, skill demonstration, skill practice with rescue manikin.

REFERENCES

The following books and other materials are used as a basis for this lesson plan. The instructor should be familiar with the material in these reference documents to effectively teach this module.

Title	Author
1. CPR/AED Instructor manual	1. American Safety & Health Institute
2.	2.
3.	3.

GENERAL COMMENTS

In preparing to teach this material, the instructor should take into consideration the following comments or suggestions.

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Department of Correction Employee Development Center **LESSON PLAN**
TITLE: Hanging Situations (Strangulation)

PRESENTATION GUIDE

TRAINER NOTES

I. SET

This training is mandatory for all security and support personnel working inside secure areas or have access to, or reason to be in secure areas where inmates are housed.

The purpose is to help prevent fatalities from hangings. If trained personnel are on hand to immediately aid the hanging victim, some if not all fatalities may be prevented.

II. INSTRUCTIONAL INPUT

- A. In the prison setting is not uncommon for detainees or sentenced offenders to attempt to commit suicide.**
- B. Staff members must be alert for hanging attempts and be able to render appropriate emergency care.**
- C. Staff must be alert for anything in the offender's surroundings that could be used to facilitate a suicide:**

Department of Correction Employee Development Center **LESSON PLAN**
TITLE: Hanging Situations (Strangulation)

PRESENTATION GUIDE

TRAINER NOTES

- 1. Exposed overhead pipes or other objects that could be used to support the weight of a human body suspended by a bed sheet or rope or other object used in a hanging attempt.**

D. Action following discovery of an attempted hanging:

- 1. Support the hanging person by wrapping your arms around the body and lifting the person enough to remove the strain on the neck.**
- 2. Call for help in a voice loud enough to be heard by other staff members in the area.**
- 3. When help arrives, have the staff member call for medical assistance and locate and bring the special tool used to cut through the bed sheet or other material used in the hanging attempt.**
- 4. While waiting for the arrival of the special tool, try to take the victim**

Department of Correction Employee Development Center **LESSON PLAN**
TITLE: Hanging Situations (Strangulation)

PRESENTATION GUIDE

TRAINER NOTES

down by any means possible:

- a. Loosen the material from the victim's neck.
 - b. Slip the victim's head out of the "noose" if possible.
 - c. Remove the material from the point of suspension if possible, then loosen and remove the "noose" from the victim's neck
5. Immediately do an ABC assessment as you were taught in CPR training to determine the condition of the victim.
 6. If necessary, perform CPR until medical help arrives.
 7. Time is absolutely critical in these situations so action must be immediate.
 8. When medical help arrives, try to give them an estimate of how long the victim had been hanging and describe what emergency care you gave.
 9. In no instance should the victim be

Department of Correction Employee Development Center **LESSON PLAN**
TITLE: Hanging Situations (Strangulation)

PRESENTATION GUIDE

TRAINER NOTES

left alone.

- 10. Assume that a spinal injury has occurred and take appropriate precautions as you were taught in the "First Aid Course:**

- a. Handle the victim with extreme care being sure to manipulate the spine (particularly the cervical spine) as little as possible.**
- b. The victim should be lying supine (flat on his/her back so that CPR may be properly performed if necessary.**

III. GUIDED PRACTICE If time and space permit, use the rescue dummy for a practical exercise.

IV. EVALUATION/CLOSURE

Remember – suicide attempts, particularly hanging attempts, are not at all uncommon. It is the responsibility of correctional staff to be

Department of Correction Employee Development Center **LESSON PLAN**

TITLE: Hanging Situations (Strangulation)

PRESENTATION GUIDE

TRAINER NOTES

Aware of this and know how to handle these situations.

All security and support personnel should be properly trained in CPR/AED and Basic First Aid. All personnel must be aware of the possibility of a hanging attempt and be willing to provide emergency treatment. Your prompt action may save a life!

Department of Correction Employee Development Center **LESSON PLAN**

TITLE: Hanging Situations (Strangulation)

PRESENTATION GUIDE	TRAINER NOTES

Handouts/Orientation Manual

A000190

D00494

Hanging Attempt

A hanging attempt may affect any or all of the structures in the neck. These include airway, spinal cord, and the major blood vessels, which bring blood to the head. All of this must be considered when caring for the hanging victim.

Actions to Follow a Hanging Attempt

1. Extricate the victim – (Take him down) Protecting the head and neck as much as possible.
2. Have someone call an ambulance now.
3. Give basic First Aid (See Below)

First Aid

1. Monitor and maintain open airway
 - a. Look, listen; feel for breathing if subject is unconscious.
 - b. Maintain an open airway; if necessary use the modified jaw thrust technique do not tilt the head back.
 - i. Place your fingers behind the angles of the lower jaw.
 - ii. Forcibly bring the lower jaw forward.
 - iii. Use your thumbs to pull the lower lip down to allow breathing through the mouth as well as the nose.
 - c. Give artificial ventilation, if necessary, while continuing maintenance of open airway using jaw lift.
2. If there is no pulse, do chest compressions.
3. Assume a spinal cord injury and handle accordingly.
 - a. Place victim flat on floor with head stabilized.
 - b. Do not let victim or anyone else lift or twist victim's head.
 - c. Give the victim nothing by mouth.
4. Do not leave the victim alone.
5. CPR masks are provided in the first aid kits provided in each institution. Don't hesitate to use them.

Remember:

A suicide attempt is a serious matter, regardless of how you feel about the victim's attempt to take his own life. Do not belittle him/her or make sarcastic remarks. If you do this you might aggravate an already bad emotional situation.

A suicidal inmate needs psychological help. If possible get him/her this help right away or as soon as his/her physical condition permits.

D00495

A000191



EMOTIONAL & BEHAVIORAL WARNING SIGNS

Depression: Overwhelming pain, hopelessness, helplessness, social isolation, loss of interest in activities previously enjoyed, tearfulness, apathy and other signs and symptoms of Major Depression. Sometimes, the early stages of recovery from depression can be a high risk period because people may have the energy to act on their feelings. Depression that seems to quickly disappear for no apparent reason may be cause for concern, as it may suggest that the person has found relief in the decision for suicide.

Suicidal Behavior: Verbal or written statement of suicidal ideation or intent. Previous suicide attempts, Self-inflicted injuries which may be an attempt to manipulate but could actually be severe enough to cause accidental death. Saying good-bye or making ambiguous/indirect statements such as "You won't have to worry about me anymore" or "I'm going away" or "I want to go to sleep and never wake up." Giving away possessions. Development of a suicide plan, especially if there is access to means.

D00496
3



JAIL & PRISON SUICIDE RESEARCH*

Jail Suicide Statistics

- There are 400-600 jail suicides (excluding state/federal prisons) per year, and suicide is the leading cause of death in most jails throughout the country.
- During the 1980's, the suicide rate in county jails was ~ 107/100,000 inmates (9 times > community rates).
- During the 1990's, the suicide rate in county jails dropped dramatically and in 1999 was 54/100,000 (4.5 times > community rates) (BJS, 2001).
- ✓ 75% of suicides are detained on non-violent charges
- 60% of suicides are intoxicated at the time of confinement
- ✓ 51% of suicides occur within the first 24 hours of confinement and 29% occur within the first 3 hours
- 67% of suicides are in isolation at the time
- ✓ 50% of suicides occur within 3 days of a court hearing (Marcus & Alcabes, 1993)
- ✓ 94% of suicides are by hanging

Prison Suicide Statistics

- There are nearly 200 prison suicides/year, and suicide is the 3rd leading cause of death in prisons, behind natural causes and AIDS.
- In 1999, the suicide rate in state and federal prisons was 15/100,000 inmates (slightly higher than community rates); this reflects a slight drop from 1984-1993.
- The majority of prison suicides are by persons with documented histories of mental illness and suicidal behavior.
- 64% of completions had one attempt during confinement; 56% had > 3 attempts during confinement (Yan-He, 2001).
- ✓ Most suicides were by persons serving terms of ≥ 10 years but occurred between 6 months to 2 years of confinement.
- ✓ The majority of suicides occurred in "special housing units," such as disciplinary segregation or protective custody

*Adapted from Hayes, Lindsay M. (2003). "Toward a Better Understanding of Suicide Prevention in Correctional Facilities," ACA Winter Conference, Charlotte, NC.

Important Factors

- High risk of suicide in chronic schizophrenia during periods of acute psychosis
- ✓ Suicidal impulses in borderline personalities are most common when perceived rejection from a provider leads to intense feelings of anger
- It is important to assess the patient's potential for suicidal completion and link the suicidal ideation with other emotional responses rather than to label the patient as "acting out" or "attention seeking" (Marcus, 1996)
- ✓ Take all suicidal threats seriously – even if you think they are manipulating

Instructor:

Jun-01

Ceit #128

Time: 6:45AM.

Monday	Tuesday	Wednesday	Thursday	Friday
				1 Conflict Resolution Creative Conflict
4 Human Relations Sexual Harassment Cultural Diversity	5 Cross Gender	6 Report Writing Fundamentals Inmate disciplinary sys. Incident / Disciplinary	7 Report Writing Practical exercises on filling out reports	8 Riot / Gas
11 Stress SCBA	12 Fire School	13 Special Meds.	14 Legal & Gangs	15 Drugs & Aids H. Downes Agent Knots
18 DTAC	19 DTAC	20 DTAC	21 DTAC	22 QRT
25 Weapons	26 Range	27 Range	28 Range	29 Range

D00498

A000194

Jennifer Kelleher	16	90	P	P	P	P	P	P	96	90	P	P	P	100	84	100	P	P	P	P	93	P	P	✓	237
Kenneth Matthews	17	92	P	P	P	P	P	P	92	100	P	P	P	92	88	70	P	P	P	P	100	P	P	✓	118
Michelle Morris - COOK	18	94	P	P	P	P	P	P	96	100	P	P	P	100	100	90	7/10	P	P	P	100	P	P	✓	231
Ervin Neal	19	88	P	P	P	P	P	P	80	100	P	P	P	92	88	100	P	P	P	P	93	P	P	✓	149
Jamie Nuding	20	90	P	P	P	P	P	P	88	100	P	P	P	100	92	90	P	P	P	P	100	P	P	✓	205
Donald Overmyer	21	88	P	P	P	P	P	P	88	100	P	P	P	100	100	90	P	P	P	P	100	P	P	✓	195
Michael Reynolds	22	96	P	P	P	P	P	P	96	100	P	P	P	100	100	90	P	P	P	P	100	P	P	✓	122
Monica Riordan	23	94	P	P	P	P	P	P	96	100	P	P	P	100	96	70	100/100	P	P	P	100	P	P	✓	233
Deshaun Serrano	24	96	P	P	P	P	P	P	96	100	P	P	P	100	96	90	P	P	P	P	100	P	P	✓	131
Timothy Shaw	25	90	P	P	P	P	P	P	84	100	P	P	P	96	92	90	P	P	P	P	100	P	P	✓	136
Shanay Walker	26	92	P	P	P	P	P	P	96	100	P	P	P	100	80	80	P	P	P	P	100	P	P	✓	153
David Wells	27	84	P	P	P	P	P	P	80	100	P	P	P	100	88	90	P	P	P	P	96.5	P	P	✓	132
Walter Whaley	28	94	P	P	P	P	P	P	84	100	P	P	P	100	96	90	P	P	P	P	93	P	P	✓	104
Cecilia White - COOK	29	90	P	P	P	P	P	P	80	90	P	P	P	100	88	90	P	P	P	P	100	P	P	✓	231
Denise Wieland - COOK	30	96	P	P	P	P	P	P	92	100	P	P	P	100	92	90	P	P	P	P	100	P	P	✓	226

A000195

D00499

NAME	WEEK 1					WEEK 2					WEEK 3					WEEK 4					WEEK 5					WEEK 6					WEEK 7					
	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	
Laria Lyons-PARALG				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Jenneth Matthews				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Michelle Morris				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Levin Neal				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Samie Nuding-Cook				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Donald Overmyer				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Michael Reynolds				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Donica Riordan-COOK				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
esHawn Serrano				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Amothy Shaw				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Janay Walker				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
David Wells				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
alter Whaley				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
ecilia White				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
nise Wieland				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
amara Wise				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
lek Wynder				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
ristopher Yates				X	X		X	X	X	X	H	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

X: PRESENT

O: ABSENT

L: LATE

H: HOLIDAY

CLASS: #128

6

NAME	WEEK 8							WEEK 9							WEEK 10							WEEK 11							WEEK 12						
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
Erica Lyons-PARALC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Emeth Matthews	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Michelle Morris	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Vin Neal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Eric Nuding-COOK	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Dale Overmyer	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Michael Reynolds	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Alca Riordan-COOK	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Shawn Serrano	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Bothy Shaw	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
May Walker	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Did Wells	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ter Whaley	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Lila White	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Lise Wieland	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ara Wise	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ek Wynder	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Christopher Yates	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

X: PRESENT

O: ABSENT

L: LATE

H: HOLIDAY

CLASS: OS/OS

ALPCTF

 4×8

INSTRUCTORS

1. Bob

Dr. McGee
Dr. Kuber

DATE:

11/20/03

* bloods curd

PLEASE PRINT CLEARLY ON EACH BLOCK

FOR INSTRUCTORS USE ONLY

000510

[illegible]

CLASS: OS/OS

MPCTF 8x4

DATE: 11-21-03

INSTRUCTORS:

Cpl. Williams, Cpl. Kiker, Lt. Forder

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Name	Initial	Special Instruction	Rank/Rate	Position	OS	AE	ED	EA	SP	MC	EXT	QBR	QAS
Brian Forte			C/O W M		P	P	P	P	P	P			
Glenney Cerisier			C/O B M		P	P	P	P	P	P			
Aden Masou			C/O W M		P	P	P	P	P	P			
Magueline L. White			C/O B F		P	P	P	P	P	P			
Henry Jones Jr.			C/O B M		P	P	P	P	P	P			
Jarrell Williams			C/O B M		P	P	P	P	P	P			
Regina Thompson			C/O B M		P	P	P	P	P	P			
Monette Bradley			C/O B F		P	P	P	P	P	P			
CHAD KALOPHEN			C/O W M		P	P	P	P	P	P			
Michael Kados			C/O W M		P	P	P	P	P	P			
Scott Borhan			C/O W M		P	P	P	P	P	P			
Michael Miller			C/O B M		P	P	P	P	P	P			
William Greener			C/O W F		P	P	P	P	P	P			
William Greener			C/O W F		P	P	P	P	P	P			
Ruff, no fence			C/O H M		P	P	P	P	P	P			
Leigh McComb			C/O O F		P	P	P	P	P	P			
			X 5 (4)										
			L 5 (3) 6										
			M 10 (3) 7										
			H 10										
			H 10										
			H 10										

Position Block = Cook, Maintenance, Storekeeper, Comptroller, etc.

000509

A000200

CLASS: OS/OS

五

INSTRUCTORS:

T. F. M. J.

Dr. Binkley

11.9

DATE: 12/1/03

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000508

A000201

CLASS: OSIOS

INSTRUCTORS: 001 Elliott & Boney

DATE: 1-14-04

NPD 10/14

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Name	Alt	Social Security #	Rank	Rate	Sex	Position	GR	AS	EA	SP	MC	MS	ES	EX	SC	CA	OT
A. Auer				% BK M			P	P	P	P	P	P	P	08	09	53	
James L. Hayes				% BK M			P	P	P	P	P	P	P	05	38	04	
SHADE JESSE				% BK M			P	P	P	P	P	P	P	09	31	41	
WYNNE DIAC				% BK M			P	P	P	P	P	P	P	08	71	26	
Greg Fawcett				% BK M			P	P	P	P	P	P	P	09	98	99	
John Miller				% BK M			P	P	P	P	P	P	P	09	18	90	
Robert L. Strobel				% BK M			P	P	P	P	P	P	P	08	23	41	
CHRISTOPHER MATHIAS				% BK M			P	P	P	P	P	P	P	08	36	58	
Desick Brooks				% BK M			P	P	P	P	P	P	P	10	13	52	
Richard Harrison				% BK M			P	P	P	P	P	P	P	08	63	17	
Samuel Chandler				% BK M			P	P	P	P	P	P	P	03	23	37	
Richard Cassner				% BK M			P	P	P	P	P	P	P	10	64	91	
Johnny Mitchell				% BK M			P	P	P	P	P	P	P	08	42	38	
Richard Charles				% BK M			P	P	P	P	P	P	P	08	69	69	
X5 (4)																	
FD 04																	
MIL 139																	
HL																	
AD																	
LD																	

Position Block = Cook, Maintenance, Steno, etc.

CLASS: OSIOS

HYCIT - 12x8

INSTRUCTORS: CPE, AEB, INC. FA, GAS, CAP SP, ISCB
 Baker, Bob, Elliott ✓

DATE:

2-4-09

NIDB 10/8

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FOR INSTRUCTORS USE ONLY

Name	Sex	DOB	SSN	Position	Grade	ED	EA	SA	MA	MC	ET	SA	MA	MC	ET	SA	MA	MC	ET
ROBERT C. BARRY	M	04/29/37			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
C. Harman	M	05/26/32			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
T. Sheeran	M	01/30/08			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
P. Deitrich	M	07/12/21			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Antia Robinson	F	03/10/26			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Melanie H. Huns	F	04/29/79			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kevin B. Hopkins Sr.	M	02/26/75			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
William Brown	M	04/12/51			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Donald Chudarik	M	01/14/37			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Clen Caswell	M	03/22/41			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ramela R. Ryles	F	05/31/90			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Zachary R. Andrews	M	07/15/22			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Grady Fitzgerald	M	08/09/77			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Manly J. Bullard	M	01/16/07			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sharon Roemer	F	05/06/53			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
SCOTT IVY	M	07/12/53			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
W. G. D. D. D.	M	08/36/15			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Y. G. D. D.	M	08/36/15			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
F. G. D. D.	M	08/36/15			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
M. G. D. D.	M	08/36/15			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

D00503

A000203

Handwritten notes on the left margin.

CLASS: OS/OS

MP AC JF

INSTRUCTORS:

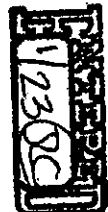
FIN GOR
CPL Bort

AED 3P MC
CPL E. Smith

DATE:

1-15-04

NIDE
1014



PLEASE PRINT CLEARLY ON EACH BLOCK

FOR INSTRUCTORS USE ONLY

Name	Unit	Social Security #	Rank	Rate	Sex	Position	CP	ADN	EA	SP	MO	EXP	TIME	SECA	GAS	RTK
LYLE BRYANT JR.			4/0	B	M		P	P	P	P	P	P	09	48	67	
CHRY A. IVICE			4/0	B	M		P	P	P	P	P	P	09	09	06	
Reggie T. Blanton			4/0	B	M		P	P	P	P	P	P	10	05	11	
Vincent Williams			4/0	B	M		P	P	P	P	P	P	08	10	13	
Bernard Smith			4/0	B	M		P	P	P	P	P	P	05	52	70	
Pearson, Anthony			4/0	W	M		P	P	P	P	P	P	08	03	27	
Robinson, Brian			4/0	B	M		P	P	P	P	P	P	08	05	72	
Joseph, M. Stanford			4/0	B	M		P	P	P	P	P	P	02	78	09	
Edmond Campbell			4/0	B	M		P	P	P	P	P	P	07	12	41	
BRADSHAW, ARA			4/0	W	M		P	P	P	P	P	P	07	87	79	
Schnitzer, Lemiko			4/0	B	F		P	P	P	P	P	P	09	34	95	
Senato, Kevin			Sgt.	W	M		P	P	P	P	P	P	04	51	30	
Rivera, Edward			4/0	H	M		P	P	P	P	P	P	08	98	24	
Tallman, Christopher			4/0	W	M		P	P	P	P	P	P	08	12	83	
Alans Janot			4/0	W	F		P	P	P	P	P	P	07	87	82	
FIELDS, Mike			4/0	W	M		P	P	P	P	P	P	02	21	52	
SETO, GERALD			4/0	W	M		P	P	P	P	P	P	09	65	05	
X5(4)																
F2 W6H2I																
M15 B9 A00																

Position Block = Cook, Maintenance, Storekeeper, Concoct, etc.

CLASS: OSIOS

MPCST

12X8

INSTRUCTORS:

COI Boor, Boney, Kiker

DATE: 1-30-04

NID3 1016

PLEASE PRINT CLEARLY ON EACH BLOCK



FOR INSTRUCTORS USE ONLY

Name	Unit	Social Security #	Rank	Sex	Position	Age	DOB	EO	EA	ED	MC	IRE	EXP	DOB	EXP
Deborah A. Adams			EC	W	F		01							56	13
Sean L. Levan			%	B	M		01							18	47
John R. McDermic			%	W	M		09							99	03
William Toy			EL	B	M		05							52	34
Dereck Meadows			%	B	M		01							44	84
James L. Whiting			%	B	M		09							48	90
Christopher N. Chappel			Col.	B	M		04							29	84
Martin Bush			%	B	M		08							85	94
Thorne Lintell			%	B	M		05							21	43
Richard Hackett			%	B	M		08							09	83
Al Jesus Suarez			%	B	M		09							10	47
Saul Samac			%	B	M		01							41	80
Mike Jensen			%	W	F		08							71	51
Harold Lindsay			%	B	M		09							80	68
X5(4)															
F2 B3															
M12 B10															
H1															
H0															
H0															

Position Block = Cook, Maintenance, Storekeeper, Concrete, etc.

CLASS: 05/05

INSTRUCTORS:

DATE:

11/10/2003

PLEASE PRINT CLEARLY ON EACH BLOCK

FOR INSTRUCTORS USE ONLY

[illegible]

000504

A000206

HYDZ

INSTRUCTORS:	QPR ASD GAS/CAP S/P	EE, SA SCAB	RTX GAS/CAP FE	more
	Boat	Boat	William S	Elliot SP

DATE: 3-1-04 / 3-2-04

FOR INSTRUCTORS USE ONLY

NDP/2/22/00

PLEASE PRINT CLEARLY ON EACH BLOCK

[illegible]

000502

A000207

CPJ
11/19

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT COMMANDER'S REPORT

SHIFT COMMANDER: Capt. Berggrun, Brian R DATE: 11/13/04DAY: Saturday TIME ASSUMED DUTY: 2320hrsI HAVE BRIEFED MY RELIEF: YES XXXX NO: _____RELIEVED BY: Capt. Jefferson, CarolOFF GOING SHIFT COMMANDER: _____ Capt. Berggrun *CPJ*

ON COMING SHIFT COMMANDER: _____ Capt. Jefferson

BEGINNING EQUIPMENT COUNT

.38 Revolvers	2	Shackles	8	Cutter	1	Gas Mask	3
Speed Loaders	3	Travel Chains	9	Capstun	1	S/C Keys	22
.38 Rounds	24	Hacksaw	1	.40 S & W	7	Gas Cards	19
Holsters	6	Crank	1	.40 Rounds	196	TBC	1487+1
Handcuffs	8	Sealed Keys	11	.40 Magazines	14	K9	Hackett
Black Boxes	5	Locks	5			OSP	Cilento

W
11/13/04

TIME	COMMENTS
2315	Capt. Berggrun on duty, rec'd 22 s/c keys, briefing by Capt. Bamford
2338	(4) New Commitments TBC=1491+1
2400	Code Red
0022	Code Green TBC=1491+1
0036	(20) E-Crew workers out to clean
0142	(1) New Commitment TBC=1492+1
0155	(1) Release Bail Posted TBC=1491+1
0258	Cpl. Oliver on duty for the kitchen
0312	S/Sgt. Leonard on duty for the kitchen
0340	(1) In House transfer from 1E-15 to Inf. 198 I/M Evans placed on PCO II
0345	Code Red
0404	Code Green TBC=1491+1
0500	(4) In House transfer from floor to beds
0645	Code Red
0709	Code Green TBC=1491+1
0710	Capt. Berggrun on duty, rec'd 22 s/c keys, briefing by Capt. Bamford
	<i>Jefferson</i> <i>Berggrun</i>

D00385

A000209

Capt. Benjamin
SHIFT COMMANDER
2400-0800

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
DUTY ROSTER
11/08/04

DAY Saturday
DATE: 11/13/04

NAME	DAYS OFF	STAT	1 2 3 4 5 6 7 8 9 10 11 12												D O R F				B I V R				PO SC																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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A000210

D00386

Capt. Bergman
SHIFT COMMANDER
 2400-0800

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
 DUTY ROSTER
 11/08/04

DAY Saturday
 DATE: 11/13/04

RESPONSE TEAMS																											
PRIMARY CRT																											
T/L	Cpl Harefield																										
1	Ahart																										
2	Rodriguez, Z																										
3	Benn																										
4	Paddy																										
5	Stromack																										
6	Saunders																										
SECONDARY CRT																											
T/L																											
1																											
2																											
3																											
4																											
5																											
6																											
FIRE TEAM																											
T/L	Cpl Harefield																										
1	Ahart																										
2	Rodriguez																										
3	Benn																										
4	Paddy																										
5	Stromack																										
	Saunders																										

A000213

D00389

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OVERTIME DUTY ROSTERDAY Saturday
DATE: 11/13/04

	OFFICERS LAST NAME	OFFICERS FIRST NAME	SSN #	OT HOURS	POST
1	Clark	Veron		8hrs	Chris 2308
2	Covelli	John		8hrs	Chris 2308
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

OT DUTY ROSTER

ATTACH THIS PAGE TO DUTY ROSTER.
SS# IS ONLY NECESSARY IF OFFICER DOES NOT WORK AT THIS INSTITUTION

A000214

D00390

Saturday
12X8 SHIFT

BUREAU OF PRISONS OVERTIME REPORT

BUDGET UNIT#	<u>006</u>	BUDGET UNIT NAME	<u>HRYCI</u>
PERIOD WORKED	<u>11/13/04</u>	PAYCYCLE PAID	<u>11/13/04</u>

REASON FOR OVERTIME	TOTALS
ADMINISTRATIVE	
AWOL	
CALL BACK	
CLASSIFICATION	
COURT	
COMPASSIONATE LEAVE	
EXTRA DUTY - INSIDE	
EXTRA DUTY - OUTSIDE	
FMLA	
GYM VACANCY	
HEARINGS / INVESTIGATIONS / DISCIPLINARY	
INVENTORY	
JURY DUTY	
LATE RELIEF	
LEAVE WITHOUT PAY	
MAILROOM / SUPPLY	
MEETING / UNION BUSINESS	
MILITARY LEAVE	
OUTSIDE HOSPITAL 2 40's	<u>16</u>
REPORTS	
SHAKEDOWN	
SICK	
SUSPENSION	
TRAINING	
TRANSPORTATION	
FUNERAL RUN	
INMATE TRANSFER	
MEDICAL RUN	
TRAVEL TIME	
OTHER	
UNAUTHORIZED ABSENCE	
VACANCY	
VACATION	
WEAPONS RECLASSIFICATION	
WORKMAN'S COMPENSATION	
OTHER: FIRE EQUIPMENT	
OTHER: ESCAPE DRILLS	
OTHER: EXECUTIONS	
OTHER: OUT OF STATE TRANSFERS	
OTHER: RECORDS	
OTHER: CODE	
OTHER: SPECIAL PROJECTS	
OTHER: CONSTRUCTION, VEST, GRIEVANCES	
OTHER: COMPUTER PROBLEMS	
OTHER: WATCH CMDR.	
OTHER:	
OTHER:	
TOTAL HOURS REPORTED	<u>16</u>

A000215

D00391

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT CONTINUATION ROSTER

2400-0800

SATURDAY

THE NUMBER OF PERSONNEL ON DUTY THIS SHIFT WAS AS FOLLOWS:

DATE: 11 / 13 / 04

D00392

TITLE	NUMBER SCHEDULED	NUMBER PRESENT	SICK	VAC	HOL	FMLA	SWOP LWOP	MIL	OTHER
CAPTAIN	1	1							
STAFF LIEUTENANT	0	1							
LIEUTENANTS	2	2							
SERGEANTS	0	1							
CORPORALS	5	4							1 vacancy
OFFICERS	36	36 + 2 OT		2					1 vacancy
K-9 OFFICERS	1	1		1					
TOTAL	45	45 (1)	0	3	0	0	0	0	2

COMMENTS:

2 OT's needed 2 outside Hospital

A000216

PREPARED BY:

SHIP COMMANDER (TITLE AND SIGNATURE)

REVIEWED BY:

SECURITY SUPERINTENDENT (SIGN AND DATE)

DEPUTY WARDEN (SIGN AND DATE)

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT COMMANDER'S REPORT

SHIFT COMMANDER: Capt. Carol Jefferson DATE: 11/13/04

DAY: Saturday TIME ASSUMED DUTY: 0715 hrs.

I HAVE BRIEFED MY RELIEF: YES XXXX NO:

RELIEVED BY: Capt. David Bamford

OFF GOING SHIFT COMMANDER: Capt. C. Jefferson *Capt. C. Jefferson*

ON COMING SHIFT COMMANDER: DRB.

BEGINNING EQUIPMENT COUNT

.38 Revolvers	2	Shackles	8	Cutter	1	Gas Mask	3
Speed Loaders	3	Travel Chains	9	Capstun	1	S/C Keys	22
.38 Rounds	24	Hacksaw	1	.40 S & W	7	Gas Cards	20
Holsters	6	Crank	1	.40 Rounds	196	TBC	1491+1=1492
Handcuffs	8	Sealed Keys	11	.40 Magazines	14	K9	J. Lee
Black Boxes	5	Locks	5			OSP	Terrell

TIME	COMMENTS
0715	Capt. Jefferson on duty, rec'd 22 s/c keys and briefing from Capt. Berggrun. Lt. Queener and Lt. Farmer on duty. TBC=1491+1osh=1492
	All OSH equipment is accounted for. No areas locked down.
0716	(1) New Commitment TBC=1492+1osh=1493
0800	Code Red TBC=1492+1osh=1493
0820	Code Green TBC=1492+1osh=1493
0840	(1) Release- Time served TBC=1491+1osh=1492
0845	Maint. Bray called in to fix S 10 door and primary control panel, To repair switch F207.
0853	C/O Rivera training on doors.
1030	Maint. Bray arrives to repair S 10 door and primary control panel.
1135	Code Red TBC=1491+1osh=1492
1207	Code Green TBC=1491+1osh=1492
1350	C/o McReynolds, T. called off sick for the 4x12 shift.
1404	C/o C. Lewis called off sick for the 4x12 shift, has RTWF. Will return 11/14/04.
1500	Capt. Bamford on duty, rec'd 22 s/c keys and briefing from Capt.

D00393

A000217

MULTI-PURPOSE CRIMINAL JUSTICE FACILITY
DAILY ROSTER

DATE: 11/13/04

DAY: SATURDAY

SHIFT: 12X8

SHIFT COMMANDER: CAPT. BERGRUN, B ✓

SHIFT SUPERVISOR:

LT: LT. PEDRICK, A ✓

PRIMARY CONTROL: CPL. PORTER, R. ✓

PRIMARY CONTROL: C/O YOUNG, M. ✓

UNIT 1 & 2

EQUIP. ✓

OPS: C/O CILENTO, S. ✓

K-9: C/O HACKETT, R. ✓

SEC. CNTRL: C/O GAIN, R. ✓

1ST FLR. ROVER: C/O Abbott, A HOSE ✓

1A/B: C/O BOSTON, T. ✓

1E/F: C/O ROACH, S. ✓

1C/D: C/O Henry, L. ✓

DORM 4: C/O Hammond, J. ✓

DORM 4: C/O BROWN, W. ✓

LT: LT. KENNEY, A. ✓

2A/F ROVER: C/O RODRIGUEZ, Z. SBA ✓

2A/B: C/O GAYMON, K. ✓

2C/D: C/O WILLIAMS, J. ✓

2E/F: C/O DAVID, J. ✓

2O/T ROVER: C/O PADDY, R. SBA ✓

2G: C/O HARMON, C. ✓

2R: C/O YEAGER, K. ✓

2S: C/O YOUNG, D. ✓

2T: C/O JOHNSON, J. ✓

DORM 1: C/O HARRIS, L. ✓

GYM: ✓

UNIT 3 & 4

CPL. DOTSON, B. WAND ✓

2G/M ROVER: C/O HAGAINS, D. HOSE ✓

2G/H: C/O KETTLER, D. ✓

2J/K: C/O BUSH, M. ✓

2L/M: C/O RICHBURG, S. ✓

2V/Z ROVER: C/O STROMACK, S. HOSE ✓

2V: C/O Long, K. ✓

2W: C/O FREDRICKS, G. ✓

2Y: C/O TROY, W. ✓

2Z: C/O LEGETTE, J. ✓

DORM 2: C/O DETTRICH, P. ✓

GYM: ✓

FITNESS CENTER:

C/O: CHRISTIANA HOBBS Rm 2308

C/O:

① CLARK, VERNON
② COVELLI, JOHN

MISC: C/O Platt, Lisa 2E-H Rover ✓

DORM 1 & 2 ROVER: C/O Robinson, A. ✓

HOL, VAC, SICK, MIL, ETC.

PINA, J. RESIGNED

Adams, D. VAC

Sherber, T. VAC

Fountain, R. VAC

HOL, VAC, SICK, MIL, ETC.

MISC. INFORMATION:

Williams, T. S/S

HACKETT, R. FLS

Abbott, A. M/S

Hammond, J. W/T

Long, K. M/S

A000219

000395

000397

Multi-Purpose Criminal Justice Facility
Daily Roster: 8x4 Shift

DATE:11-13-04

SATURDAY[illegible]

Capt. Carol Peterson
SHIFT COMMANDER 0800-1600

HOWARD R. YOUNG CORRECTIONAL INSTITUTION

DUTY ROSTER
11/08/04
REVISED

DAY: *Saturday*
DATE: *11/13/04*

NAME	DAYS 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Capt. David T. Peterson
SHIFT COMMANDER 0800-1600

HOWARD R. YOUNG CORRECTIONAL INSTITUTION

DUTY ROSTER
11/08/04
REVISED

DAY: *Saturday*
DATE: *11/13/04*

NAME		DAYS OFF	S	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2</
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A000224

D00400

DUTY ROSTER
11/08/04
REVISED

DAY: Saturday
DATE: 11/13/04

000401

Capt. Carl Johnson
SHIFT COMMANDER 0800-1600

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
V-HR DUTY ROSTER
11/08/04

DAY: *Saturday*
DATE: *11/13/04*

NAME	DAYS OFF																												
		5	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
8X4 VHRS 11/08/04 TO 11/21/04																													
1 CARMONA, JOSE	4X12																												
2 SAVAGE, KAREN	7/15	X	10/10																										
3 LISKEWICZ, GREG	F/15																												
4 FAGAN, MALISSA	S/15																												
5 BAROW, MARK	M/15	X	10/10																										
6 BANE, SAMUEL	M/17	X	10/10																										
7 MILLIGAN, TYSEAN	M/17	X	10/10																										
8 KLINE, JAMES	T/17	X	10/10																										
9 SCOTT, JEFFERY	T/17	X	10/10																										

A000227

000403

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OVERTIME DUTY ROSTERDAY Saturday
DATE: 11/13/04

	OFFICERS LAST NAME	OFFICERS FIRST NAME	SSN #	OT HOURS	POST
1	Shelton	Richard		8	Institution
2	Blue	Mark		8	24hr
3	Paice	Zachary		8	24hr
4	Burley	Kathleen		8	24hr
5	Yonell	Donald		8	24hr
6	DeWitt	William		8	24hr
7	Garner	Mark		8	24hr
8	Kathleen	Zachary		8	24hr
9	Taylor	Patricia		8	See Team
10	Kuba	Conrad		8	24hr
11	Hight/Edwards (4x12 hrs)	Matron	130-58-9115	8	Chief of Inst.
12					
13					
14					
15					
16					
17					
18					
19					
20					

OT DUTY ROSTER

ATTACH THIS PAGE TO DUTY ROSTER.
SS# IS ONLY NECESSARY IF OFFICER DOES NOT WORK AT THIS INSTITUTION

A000228

D00404

Capt. Jefferson
11/13/04

8X4
 SHIFT

**BUREAU OF PRISONS
 OVERTIME REPORT**

BUDGET UNIT#	<u>006</u>	BUDGET UNIT NAME	<u>HRYCI</u>
PERIOD WORKED	<u>11/13/04</u>	PAYCYCLE PAID	<u>Same</u>

REASON FOR OVERTIME

TOTALS

ADMINISTRATIVE	
AWOL	
CALL BACK	
CLASSIFICATION	
COURT	
COMPASSIONATE LEAVE	
EXTRA DUTY - INSIDE	
EXTRA DUTY - OUTSIDE	
FMLA	
GYM VACANCY	
HEARINGS / INVESTIGATIONS / DISCIPLINARY	
INVENTORY	
JURY DUTY	
LATE RELIEF	
LEAVE WITHOUT PAY	
MAILROOM / SUPPLY	
MEETING / UNION BUSINESS	
MILITARY LEAVE	
OUTSIDE HOSPITAL - 240 Christ Hosp. 2308	<u>16</u>
REPORTS	
SHAKEDOWN	
SICK	
SUSPENSION	
TRAINING	
TRANSPORTATION:	
§ FUNERAL RUN	
§ INMATE TRANSFER	
§ MEDICAL RUN	
§ TRAVEL TIME	
§ OTHER	
UNAUTHORIZED ABSENCE	<u>64</u>
VACANCY - 800	
VACATION	
WEAPONS RECLASSIFICATION	
WORKMAN'S COMPENSATION - 100	<u>8</u>
OTHER: FIRE EQUIPMENT	
OTHER: ESCAPE DRILLS	
OTHER: EXECUTIONS	
OTHER: OUT OF STATE TRANSFERS	
OTHER: RECORDS	
OTHER: CODE	
OTHER: SPECIAL PROJECTS	
OTHER: CONSTRUCTION, VEST, GRIEVANCES	
OTHER: COMPUTER PROBLEMS	
OTHER: WATCH CMDR.	
OTHER: RESIGNATION	
OTHER:	
TOTAL HOURS REPORTED	<u>88</u>

A000229

D00405

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT CONTINUATION ROSTER

0800-1600

SATURDAY

THE NUMBER OF PERSONNEL ON DUTY THIS SHIFT WAS AS FOLLOWS:

DATE: 11, 13, 04

TITLE	NUMBER SCHEDULED	NUMBER PRESENT	SICK	VAC	HOL	FMILA	SWOP LWOP	MIL	OTHER
CAPTAIN	1	1							
STAFF LIEUTENANT	0	0							
LIEUTENANTS	3	2							1 - vacancy
SERGEANTS	4	4							
CORPORALS	6	4							1 - vacancy; 1 - days off 85
OFFICERS	59	43 + 11 on	2	1	1				8 - vacancy; 1 - sick; 2 - MILADP
K-9 OFFICERS	1	1							
TOTAL	74	66	2	1	1	—	—	—	14

COMMENTS:

1) Overstone, Mrs. Needel - 2% Christ Church; 2.308 (A. King / M. Rothblum); 1% W/C (R. Shockett)
 8% Vancouveria (M. Blue, Z. Rang, K. Buehler, D. Powell, W. H. Finkbeiner, M. Lammert, Z. Williams & P. Taylor)

PREPARED BY:

SHIFT COMMANDER (TITLE AND SIGNATURE)

REVIEWED BY:

SECURITY/SUPERINTENDENT (SIGN AND DATE)

DEPUTY WARDEN (SIGN AND DATE)

HOWARD COUNTY CORRECTION HOWARD COUNTY CORRECTIONAL INSTITUTION

DATE: 11/13/04

DAILY ROSTER: 4X12 SHIFT

DAY: SATURDAY

SHIFT CMDB: BAMFORD, D. ✓	SECURITY TEAM CPL: PRANGE, R. ✓	MISC:
SHIFT SUPV:	SECURITY TEAM: DANIELLO, A. ✓	
OPERATIONS LT:	SECURITY TEAM: GALL, B. ✓	
SICK CALL	SECURITY TEAM: FARRINGTON, G. ✓	
UNIT 27: MCCREARY, J. ✓	K-9: LORAH, P. ✓	
UNIT 1		
LT: SENATO, K. ✓	SGT B/R: MATTHEWS, K. ✓	1A/B: EVANS, L. ✓
SGT: DEFEQ, G. ✓	B/R: BRYANT, L. ✓	1A/B: ✓
SGT: ✓	B/R: DIAL, W. ✓	1C/D: Johnson, D. (OT) ✓
LOBBY CPL: SESSOMS, S. ✓	B/R: ✓	1C/D: CARMONA, J. (VHR) ✓
P/C DRS: NDIAYE, L. ✓	B/R: ✓	1C/D: ✓
P/C BKS: Borker, K. (OT) ✓		1E/F: MITCHELL, J. ✓
UNIT 12: HAMBRIGHT, J. ✓		1E/F: WARREN, R. ✓
UNIT 2		
LT: RYDER, R. ✓	2A/B: BAYNE, M. (VHR) ✓	2E/F: PAGE, Z. ✓
SGT: ✓	2A/B: Minniti, J. ✓	2E/F: Shade, J. (OT) ✓
SGT: Kiker, H. ✓	2C/D: Enig, B. (OT) ✓	2G/H: HACKETT, D. ✓
UNIT 13: DENNY, R. ✓	2C/D: LAMBERT, R. ✓	2G/H: ✓
UNIT 14: MOORE, J. ✓		F/C: ✓
UNIT 3		
LT: ✓	2G: MACK, B. ✓	2V: COUGHLAN, S. ✓
S/C SGT: JOHNSON, K. ✓	2R: JOHNSON, P. (VHR) ✓	2W: CANNON, M. ✓
S/C CPL: Lawrence, P. ✓	2S: Johnson, H. ✓	2Y: Rogers, R. (VHR) ✓
SGT: ✓	2T: INCE, G. ✓	2Z: ROBINSON, B. ✓
SGT: WALL, D. ✓	UNIT 15: WARE, L. ✓	UNIT 16: Williams, V. ✓
		UNIT 25:

A000232

D00040

**HOWARD R. YOUNG CORRECTIONAL FACILITY
DAILY ROSTER: 4X12 SHIFT**

DATE: 11/13/04

SATURDAY

[illegible]

A000233

000409

12/20/04
 SHIFT COMMANDER
 1600-2400

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
 DUTY ROSTER
 11/08/04

DAY *304*
 DATE: *11/13/04*

NAME	DAY OFF																												
		S	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
1 APA, BRADFORD	FRSA																												
2 BAKER, SIDNEY	MOTU	X																											
3 BLUE, MARK	SUMU	X																											
4 BRYANT, LYLE	TUWE	X																											
5 BURLEY, KATRINA	FRSA																												
6 CAMPBELL, EWONNU	SASU																												
7 CANNON, MARK	WE/TH	X																											
8 CARLOCK, DONALD	FRSA																												
9 CHUKUNNEYE, NNABUGWE	SASU																												
10 CLARK, VERON	WE/TH	X																											
11 COLEMAN, ALLEN OPS	SASU																												
12 COUGHLAN, STEPHEN	TUWE	X																											
13 CUSTER, ELLYN	MOTU	X																											
14 DANIELLO, ANGELO S/T	WE/TH	X																											
15 DAVIES, KERRY	FRSA																												
16 DENNY, RAHIM	TUWE	X																											
17 DIAL, WAYNE	TH/FR	X																											
18 DUGGINS, HORACE	FRSA																												
19 EVANS, LARRY	MOTU	X																											
20 FABRES, EDUARDO	MOTU	X																											
21 FARRINGTON, GREGORY S/T	TUWE	X																											
22 FIELDS, MICHAEL	FRSA																												
23 GALLI, BRIAN	TH/FR	X																											
24 HACKETT, DWIGHT	TH/FR	X																											
25 HAMBRIGHT, JESSE	TH/FR	X																											
26 HOOKS, DESIREE	FRSA																												
27 INCE, GARY	TUWE	X																											
28 JOHNSON, COREY	SASU																												
29 JOHNSON, DAVID	FRSA																												
30 JOHNSON, HARRY	TUWE	X																											
31 JOHNSON, KELLI	WE/TH	X																											
32 JONES-NDIAYE, LOLITA	TH/FR	X																											
33 JORDAN, LEWIS	SASU																												
34 LAMBERT, ROBERT	WE/TH	X																											

A000235

D000411

W. J. Smith
SHIFT COMMANDER
1600-2400

HOWARD R. YOUNG CORRECTIONAL INSTITUTION

DUTY ROSTER
1:1/08/04

DAY SAT
DATE: KI 13/1/2014

A000237

000413

SHIFT: 4x12

QRT ARMORY INVENTORY/ISSUE LOG

CAPT. D. BANCROFT

	DESCRIPTION	QUANTITY	QUANTITY ISSUED	TIME OUT	TIME IN	ISSUING OFFICER
1	Black Bags	19	10			SGT. G. DeFco
2	HELMETS	19	10			
3	VEST	10	10			
4	PAD SETS	19	10			
5	SHIELDS	3	2			
6	PR-24	1	0			
7	BATONS	15	8			
8	GAS MASK / 1 Black Bag	6	6			
9	HAND CUFF (#B34521)	1	0			
10	HANDCUFF (#681777)	1	0			
11	LEG SHACKLE (#029680)	1	—			
12	LEG SHACKLE (#P19372)	1	1			
13	BAG OF FLEX CUFFS	1	—			
14	VENTILATION FAN	1	0			
15	FIRE SUIT	3	0			
PRIMARY QRT MEMBERS				FIRE TEAM		
1	SGT. G. DeFco			TL	SGT. G. DeFco	
2	C/O L. WARE UNIT# 15			AIR PACK	C/O L. WARE	
3	C/O R. DENNEY " 13			FIRE HOSE	C/O R. DENNEY	
4	C/O J. HAMARONI " 12			1ST AID	C/O J. HAMARONI	
5	C/O J. MOORE " 14			KEYS/KEY	C/O J. MOORE	
6	C/O V. WILLIAMS " 16					
SECONDARY QRT MEMBERS				Damage Equipment		
1	C/O A. DANIELLO " 11					
2	C/O E. BAYNE 2A+B					
3	C/O Z. PAIGE 2C+D					
4	C/O R. LAMBORI 2C+D					
5	C/O CARMONA 1C+D					
CAMCORDER / GAS MASK						

D00415

A000239

**H.R.Y.C.I.
QRT Bag Issue
Inventory**

[illegible]

For the condition of the Equipment Put G for Good, Put P for Poor and B for Bad Condition in the box

D00416

A000240

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OVERTIME DUTY ROSTERDAY SAF
DATE: 11/13/04

	OFFICERS LAST NAME	OFFICERS FIRST NAME	SSN #	OT HOURS	POST
1	Ouseman	Betty		8	Inf.
2	Garrett	Thomas		"	25K
3	Tobias	David		"	ICD
4	Shade	Jerse		"	2EF
5	Enig	Brian		"	2ED
6	Buckley	Kathleen		"	21C
7	Gossamer	Lillian		"	Chor. Hosp.
8	McGee	Marvin		"	"
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

OT DUTY ROSTER

ATTACH THIS PAGE TO DUTY ROSTER.
SS# IS ONLY NECESSARY IF OFFICER DOES NOT WORK AT THIS INSTITUTION

D00417

A000241

4x12 SHIFT

**BUREAU OF PRISONS
OVERTIME REPORT**

BUDGET UNIT#	<u>006</u>	BUDGET UNIT NAME	<u>MPCJF</u>
PERIOD WORKED	<u>11/13/04</u>	PAYCYCLE PAID	<u></u>

REASON FOR OVERTIME	TOTALS
ADMINISTRATIVE	
AWOL	
CALL BACK	
CLASSIFICATION	
COURT	
COMPASSIONATE LEAVE	
EXTRA DUTY - INSIDE	
EXTRA DUTY - OUTSIDE	
FMLA	
GYM VACANCY	
HEARINGS / INVESTIGATIONS / DISCIPLINARY	
INVENTORY	
JURY DUTY	
LATE RELIEF	
LEAVE WITHOUT PAY	
MAILROOM / SUPPLY	
MEETING / UNION BUSINESS	
MILITARY LEAVE	
OUTSIDE HOSPITAL	16
REPORTS	
SHAKEDOWN	
SICK	
SUSPENSION	
TRAINING	
TRANSPORTATION:	
• FUNERAL RUN	
• INMATE TRANSFER	
• MEDICAL RUN	
• TRAVEL TIME	
• OTHER	
UNAUTHORIZED ABSENCE	
VACANCY	78
VACATION	
WEAPONS RECERTIFICATION	
WORKMAN'S COMPENSATION	
OTHER: FIRE EQUIPMENT	
OTHER: ESCAPE DRILLS	
OTHER: EXECUTIONS	
OTHER: OUT OF STATE TRANSFERS	
OTHER: RECORDS	
OTHER: CODE	
OTHER: SPECIAL PROJECTS	
OTHER: COMPUTER PROBLEMS	
OTHER: RESIGNATION	
OTHER: WATCH CMDR.	
OTHER:	
OTHER:	
TOTAL HOURS REPORTED	64

A000242

D00418

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT CONTINUATION ROSTER
1600-2400

SATURDAY

THE NUMBER OF PERSONNEL ON DUTY THIS SHIFT WAS AS FOLLOWS:

DATE: 11/13/04

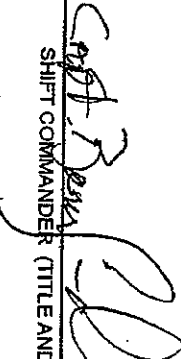
TITLE	NUMBER SCHEDULED	NUMBER PRESENT	SICK	VAC	HOL	FMLA	SWOP LWOP	MIL	OTHER
CAPTAIN	1	1							
STAFF LIEUTENANT	0	0							
LIEUTENANTS	3	2							1-Vacancy
SERGEANTS	8	3						1	4-Vacancies
CORPORALS	4	2		1	1				
OFFICERS	51	40	5					2	7-Vacancies, 2-ids
K-9 OFFICERS	1	1							
TOTAL	68	49	5	1	1	0		3	12-Vacancies

COMMENTS:

8 - Duties Positions = 6 Vacancies
2 - Chgo. Assoc.

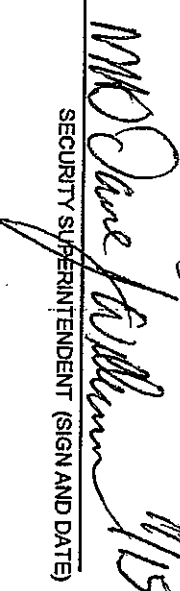
PREPARED BY:

SHIFT COMMANDER (TITLE AND SIGNATURE)

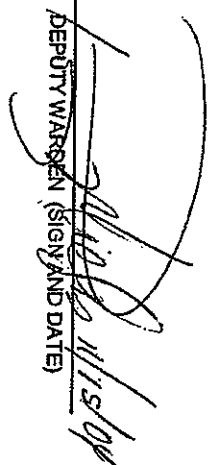


REVIEWED BY:

SECURITY SUPERINTENDENT (SIGN AND DATE)

 11/15

DEPUTY WARDEN (SIGN AND DATE)

 11/15/04

D00419

A000243

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT COMMANDER'S REPORT

dw
11/15

SHIFT COMMANDER: Staff Lieutenant Lee DATE: 11-14-04

DAY: Sunday TIME ASSUMED DUTY: 2310

I HAVE BRIEFED MY RELIEF: YES XXX NO: _____

RELIEVED BY: Staff Lieutenant Polk

OFF GOING SHIFT COMMANDER: Staff Lieutenant Lee

ON COMING SHIFT COMMANDER: Staff Lieutenant Polk

BEGINNING EQUIPMENT COUNT

.38 Revolvers	2	Shackles	8	Cutter	1	Gas Mask	3
Speed Loaders	3	Travel Chains	9	Capstun	1	S/C Keys	22
.38 Rounds	24	Hacksaw	1	.40 S & W	7	Gas Cards	16
Holsters	6	Crank	1	.40 Rounds	196	TBC	1495+1
Handcuffs	8	Sealed Keys	11	.40 Magazines	14	K9	Fountain
Black Boxes	5	Locks	5			OSP	Cilento

TIME	COMMENTS
2310	S/Lt. Lee and Lts. Chudzik and Pedrick in area for duty. S/Lt. Lee
//////	relieves Capt. Bamford after briefing TBC=1495+1
2315	(1) New Commitment (4X12) TBC=1496+1
2400	Code Red
0005	Cpl. Covelli & C/O Hagains, D. (2308 Christiana Hosp.)
//////	(1) 38 caliber, (6) rounds, (1) speed loader.
0021	Code Green TBC=1496+1
0048	(24) E-crew workers out.
0125	(1) New Commitment TBC=1497+1
0150	(1) New Commitment TBC=1498+1
0235	C/O Roemer, W. called out for 8X4 shift with the flu.
0240	(1) New Commitment TBC=1499+1
0321	(1) In house transfer, floor to bed.
0345	Code Red
0406	Code Green TBC=1499+1
0410	FSS III Leonard & FSS I Oliver in area for duty.
0514	C/O Buff, T. called out for 8X4 shift with the flu.

dw
11/15/04

D00420

A000244

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
DAILY ROSTER: 4X12 SHIFT

DATE: 11/14/04

SUNDAY

[illegible]

000423.

A000247

S/LT. Lee
SHIFT COMMANDER
2400-0800

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
DUTY ROSTER
11/08/04

DAY Sunday
DATE: 11/14/04

NAME	DAYS OFF	STAT																											P	O	N	B	R	PC		
			1 A	1 C	1 E	2 A	2 C	2 E	2 G	2 H	2 I	2 J	2 K	2 L	2 M	2 N	2 O	2 P	2 Q	2 R	2 S	2 T	2 U	2 V	2 W	2 X	2 Y	2 Z							M	F
38 SHORTER, TERRANCE	SU/MO	X																																		
39 SMITH, DAREN	SASU	X																																		
40 SOUL, JAMAR	SASU	X																																		
41 STROMACK, STEPHEN	TH/FR	X	2	9D																																
42 THORNE, VALENTINO	TU/WE	X	2	R																																
43 TROY, WILLIAM	TU/WE	X	1st	FR & DR																																
44 WILKINS, ASBURY	FR/SA	X	2	3K																																
45 WILLIAMS, JOSEPH	SU/MO	X																																		
46 WOODARD, GLEN	SASU	X																																		
47 YEAGER, KRISTINA	TU/WE	X	2	Q																																
48 YOUNG, DENISHA	WE/TH	X	B/R																																	
49 YOUNG, MINELLE	TH/FR	X	2	2	Shift	DRIVE	W/	2/10	Hopkins																											
																																		</		

A000250

D00426

Sgt. Lee
SHIFT COMMANDER 2400-0800

INVESTIGATIVE RECORDING INSTITUTION
VHR DUTY ROSTER
10/25/04

DAY: Sunday
DATE: 11/14/04

NAME	DAYS OFF	S	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	PC	SC
12X8 SHIFT VHRS 11/08/04 TO 11/21/04																																			
1 AHART, AUSTIN	W/S																																		
2 WILLIAMS, TONY	S/S																																		
3 HACKETT, ROBERT	F/S																																		
4 HAMMOND, JAMES	W/T																																		
5 LONG, KENNETH	W/S																																		
6 GRIFFIN, SHIRELLE																																			

A000251

00427

Sgt. Lee
SHIFT COMMANDER
2400-0800

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
DUTY ROSTER
11/09/04

DAY Secondary
DATE: 11/14/04

RESPONSE TEAMS																											
PRIMARY CRT																											
T/L	APL AMARIGAS																										
1	Thoy, W.																										
2	Reborez, Z.																										
3	Huckett R.																										
4	Batterson R.																										
5	Pace, C.																										
6	Youse, D. c/c																										
SECONDARY CRT																											
T/L	Same																										
1																											
2	AS																										
3																											
4	ADAC																										
5																											
6																											
FIRE TEAM																											
T/L	Same																										
1																											
2	AS																										
3																											
4	ADAC																										
5																											

D00428

A000252

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OVERTIME DUTY ROSTERDAY SundayDATE: 11/14/04

	OFFICERS LAST NAME	OFFICERS FIRST NAME	SSN #	OT HOURS	POST
1	CLARK	Venus	Huace Vol.	8	24b
2	N'DIALE	Lolima	Huace Vol.	8	19d
3	WILLIAMS	VINCENT	Huace Vol.	8	down IV
4	COUZELL	John	222-26-1281 & Hu	8	2808 CHRISTINA HSP.
5	HAGGARD	Dennick	Huace & Hu	8	2308 CHRISTINA HSP.
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

OT DUTY ROSTER

ATTACH THIS PAGE TO DUTY ROSTER.
SS# IS ONLY NECESSARY IF OFFICER DOES NOT WORK AT THIS INSTITUTION

D00429

A000253

**BUREAU OF PRISONS
OVERTIME REPORT**

12X8 SHIFT

BUDGET UNIT#	<u>006</u>	BUDGET UNIT NAME	<u>HRYCI</u>
PERIOD WORKED	<u></u>	PAYCYCLE PAID	<u></u>
REASON FOR OVERTIME		TOTALS	
ADMINISTRATIVE			
AWOL			
CALL BACK			
CLASSIFICATION			
COURT			
COMPASSIONATE LEAVE			
EXTRA DUTY - INSIDE			
EXTRA DUTY - OUTSIDE			
FMLA			
GYM VACANCY			
HEARINGS / INVESTIGATIONS / DISCIPLINARY			
INVENTORY			
JURY DUTY			
LATE RELIEF			
LEAVE WITHOUT PAY			
MAILROOM / SUPPLY			
MEETING / UNION BUSINESS			
MILITARY LEAVE			
OUTSIDE HOSPITAL	2 @ 8 hours		16
REPORTS			
SHAKEDOWN			
SICK			
SUSPENSION			
TRAINING			
TRANSPORTATION			
FUNERAL RUN			
INMATE TRANSFER			
MEDICAL RUN			
TRAVEL TIME			
OTHER			
UNAUTHORIZED ABSENCE			
VACANCY	3 @ 8 hours		24
VACATION			
WEAPONS RECLASSIFICATION			
WORKMAN'S COMPENSATION			
OTHER: FIRE EQUIPMENT			
OTHER: ESCAPE DRILLS			
OTHER: EXECUTIONS			
OTHER: OUT OF STATE TRANSFERS			
OTHER: RECORDS			
OTHER: CODE			
OTHER: SPECIAL PROJECTS			
OTHER: CONSTRUCTION, VEST, GRIEVANCES			
OTHER: COMPUTER PROBLEMS			
OTHER: WATCH CMDR.			
OTHER:			
OTHER:			
TOTAL HOURS REPORTED			40

A000254

000430

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT CONTINUATION ROSTER

2400-0800

SUNDAY

THE NUMBER OF PERSONNEL ON DUTY THIS SHIFT WAS AS FOLLOWS:

DATE: 10/15/07

000431

TITLE	NUMBER SCHEDULED	NUMBER PRESENT	SICK	VAC	HOL	FMLA	SWOP LWOP	MIL	OTHER
CAPTAIN	0	0							
STAFF LIEUTENANT	1	1							
LIEUTENANTS	2	2							
SERGEANTS	0	0							
CORPORALS	5	4							1-VACANCY
OFFICERS	34	30	1	1					2-VACANCIES
K-9 OFFICERS	1	1							
TOTAL	43	38 (1)	1	1					4-VACANCIES

COMMENTS:

Overtime: 5 = (2) OSH, (3) VACANCIES = 5 TOTAL

PREPARED BY: S/CT. W. M. F.
SHIFT COMMANDER (TITLE AND SIGNATURE)REVIEWED BY: MWD Jane H. Williams 11/5
SECURITY SUPERINTENDENT (SIGN AND DATE)

DEPUTY WARDEN (SIGN AND DATE)

A000255

du
11/15

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT COMMANDER'S REPORT

SHIFT COMMANDER: S/LT POLK, J. DATE: 11-14-04DAY: SUNDAY TIME ASSUMED DUTY: 0720HRSI HAVE BRIEFED MY RELIEF: YES XX NO: RELIEVED BY: S/LT SABATOOFF GOING SHIFT COMMANDER: S/LT POLK, J.ON COMING SHIFT COMMANDER: *S/LT Lee***BEGINNING EQUIPMENT COUNT**

.38 Revolvers	2	Shackles	8	Cutter	1	Gas Mask	3
Speed Loaders	3	Travel Chains	9	Capstun	1	S/C Keys	22
.38 Rounds	24	Hacksaw	1	.40 S & W	6	Gas Cards	19
Holsters	6	Crank	1	.40 Rounds	168	TBC	1499+1
Handcuffs	8	Sealed Keys	11	.40 Magazines	12	K9	BRYANT
Black Boxes	5	Locks	5			OSP	KADOW

D/W
11/15/04

TIME	COMMENTS
0715	S/LT POLK RELIEVED S/LT LEE AFTER BRIEFING. NOTIFIED OF THE ALCOVE DOOR ON 2H-POD THAT WAS BROKEN AND MAINTENANCE WAS NOTIFIED. TWO CALL OFFS WERE RECORDED, C/O ROEMER, W. & C/O BUFF, T. LT FARMER IS ON DUTY.
0730	HELD MUSTER, ALL PERSONNELL REPORTED FOR DUTY WITH EXCEPTIONS NOTED ON DUTY ROSTER. ALL AREAS ARE MANNED, WITH NO LOCKDOWNS OR CANCELLATIONS.
0800	CODE RED
0816	CODE GREEN TBC-1499+1
1117	ONE NEW COMMITMENT TBC-1500+1
1135	CODE RED
1140	CODE 7 B/R
	I/M BARKES, C. #361999 HUNG HIS SELF IN CELL #122, CPR IS ADMINISTERED BY MEDICAL, UNRESPONSIVE AT THIS TIME.
1141	DEPUTY WARDEN PHELPS IS PAGED

D00432

A000256

[illegible]

D00433

A000257

DATE: 11-14-04

Multi-Purpose Criminal Justice Facility
Daily Roster, 8x4 Shift

SUNDAY

7

Shift Command: S/LT Polk	Security Team: CPL B. TAYLOR	✓	
Shift Supervisor:	Security Team: C/O TERRELL	✓	
Operations Lt:	Security Team: C/O <i>Furness 011</i>	✓	
	Security Team: C/O CERISIER	✓	
Unit 27: C/O KADOW	✓		
K-9: C/O BRYANT			
Unit 1			
LT:	LW B/R: CPL RAYNE	✓	1A/B: <i>RIVERA</i>
	B/R: C/O	✓	1C/D: C/O MCREYNOLDS
LW: SGT. F. WAY	B/R: C/O MARTELLI	✓	1E/F: C/O EMIG
LOBBY: C/O DEMBY	B/R: C/O D. FIELDS	✓	1E/F: C/O J. DAVIS
Unit 11: C/O C. BURRELL	B/R:	✓	1E/F: C/O J. DAVIS
P/C BKS: C/O <i>Kauley</i>	✓		1E/F: C/O S. HARGROVE
P/C DRS: C/O KNLOCH			DORM 4: <i>Hammoud 02</i>
			DORM 4: C/O KALONDER
Unit 2			
LT: FARMER	2A/B: C/O AMAR	✓	2A/B: C/O <i>Sessions 011</i>
LW A-F:	2C/D: C/O <i>Johnson 011</i>	✓	2C/D: C/O <i>Cannady 011</i>
	2E/F: C/O GASSNER	✓	2E/F: C/O <i>Young 011</i>
LW: CPL	2G/H: C/O COOPER	✓	2G/H: C/O <i>Stevens, J. 011</i>
Unit 13: C/O R. YOUNG	2I/J: C/O CONRAD	✓	2I/J: C/O <i>Seales 011</i>
Unit 14: C/O <i>Umberbitch</i>	2L/M: C/O EVERETTE	✓	2L/M: C/O <i>Ormet 011</i>
Unit 3			
LT:	2Q: C/O BROOKS	✓	2Q: C/O POWELL
S/C: C/O ROY	2R: C/O HIGGINS	✓	2R: C/O Diamond
S/C: CPL JACKSON	2S: C/O SHADE	✓	2Y: C/O BROWN
LW: SGT	2T: C/O HITCHENS	✓	2Z: C/O <i>NEAL 011</i>
LW: SGT	UNIT 15: C/O STILL	✓	UNIT 16: <i>Butcher B.</i>
LW: SGT.	MISC		MISC
			UNIT 25: C/O REDMAN
			MISC: C/O

D00434

A000258

SHIFT COMMANDER 0800-1600

HOWARD R. YOUNG CORRECTIONAL INSTITUTION

DUTY ROSTER
11/08/04
REVISED

DAY: Sunday
DATE: 11-14-04

NAME		DAYS OFF	S	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
1	JEFFERSON, CAROL	CAPTAIN	SUMO	—																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							

Shift COMMANDER 0800-1600

HOWARD R. YOUNG CORRECTIONAL INSTITUTION

DUTY ROSTER
11/08/04
REVISED

DAY: Sunday
DATE: 11-14-04

NAME	DAYS OFF	S	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	FO SC
CORPORALS																															
10 DIAL, SEAN CORPORAL M/R	SASU	—																													
11 FORTE, BRIAN CORPORAL	TH/R	—																													
12 TAYLOR, BARRY CORPORAL S/T	FRSA	—																													
13 TAYLOR, BARRY CORPORAL	MOTU	—																													
OFFICERS																															
1 AMAR, MYRON	TUWE	—																													
2 AUSTIN, SCOTT	SUMO	—																													
3 BRELAND, TILLIS	SUMO	—																													
4 BRINKLEY, WARREN MEDICAL RUN OFFICER	SASU	—																													
5 BROOKS, DERRICK	MOTU	—																													
6 BROWN, DANA	MOTU	—																													
7 BUFF, TIMOTHY	WE/TH	—																													
8 BURNS, WILLIAM KEY PROGRAM	SASU	—																													
9 BURRELL, CHARLES	FRSA	—																													
10 BUTCHER, BARBARA	FRSA	—																													
11 BUTCHER, ROBERT SUPPLY	SASU	—																													
12 CERISIER, GIVENCHY	TH/R	—																													
13 CHARLES, RADCLIFFE	FRSA	—																													
14 CONRAD, KIMBERLY	WE/TH	—																													
15 COOPER, LEATHIA	TH/R	—																													
16 CROPPER, PERYONE	SASU	—																													
17 CUMBERBATCH, GERWIN	FRSA	—																													
18 CURRINGTON, LYNN MAIL ROOM	SASU	—																													
19 DANIELS, VINCENT	SUMO	—																													
20 DAVIS, JULIUS	TH/R	—																													
21 DEMBY, GREG	FRSA	—																													
22 DEPAUL, RONALD	MOTU	—																													
23 DIAMOND, WALLACE	TUWE	—																													
24 EMIG, BRIAN	MOTU	—																													
25 EVERETTE, GWENDOLYN	MOTU	—																													
26 FIELDS, DORENE	WE/TH	—																													
27 FLAKES, LESLIE	WE/TH	—																													
28 FLOYD, VANANZIO S/T	SUMO	—																													

000436

A000260

DUTY ROSTER
11/08/04
REVISED

DAY: Sunday
DATE: 11-14-04

000437

A000261

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
VHR DUTY ROSTER
11/08/04

DAY: Sunday
DATE: 11-14-06

439

NAME									
8x4 VHS 11/08/04 TO 11/21/04									
1	2	3	4	5	6	7	8	9	
CARMONA, JOSE	—	—	—	—	—	—	—	—	
SAVAGE, KAREN	10/30	—	—	—	—	—	—	—	
LSKIEWICZ, GREG	12/31	—	—	—	—	—	—	—	
FAGAN, MALISSA	3/18	—	—	—	—	—	—	—	
BAROW, MARK	10/30	—	—	—	—	—	—	—	
BANE, SAMUEL	10/30	—	—	—	—	—	—	—	
MILLIGAN, TYSEAN	10/30	—	—	—	—	—	—	—	
KLINE, JAMES	—	—	—	—	—	—	—	—	
SCOTT, JEFFERY	TH/FR	—	—	—	—	—	—	—	

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OVERTIME DUTY ROSTERDAY SundayDATE: 11/11/04

	OFFICERS LAST NAME	OFFICERS FIRST NAME	SSN #	OT HOURS	POST
1	Hammond	James (VHK)		8	Team IV
2	Sessoms	Sonia (4X12)		8	2AUG
3	Parsons	Mark (4X12)		8	2AID
4	Long	Deisha (2X8)		8	2E/F
5	Stevens	James (4X12)		8	2G/H
6	Seales	William (VHK)		8	2J/K
7	Lebett	David (SR0)	093-48-9428	8	24M.
8	Neal	Louis (4X12)		8	22Red
9	Johanson	David (4X12)		8	2CID
10	Evans	Lee (4X12)		8	Security
11	Hamilton	Larry (8X4)		8	Christie 308
12	Boughn	Stephen (4X12)		8	" "
13					
14					
15					
16					
17					
18					
19					
20					

OT DUTY ROSTER

ATTACH THIS PAGE TO DUTY ROSTER.
SSI# IS ONLY NECESSARY IF OFFICER DOES NOT WORK AT THIS INSTITUTION

D00440

A000264

SHIFT

BUREAU OF PRISONS
OVERTIME REPORT

BUDGET UNIT#	<u>006</u>	BUDGET UNIT NAME	<u>HRYCI</u>
PERIOD WORKED	<u>11-14-04</u>	PAYCYCLE PAID	<u>11-14-04</u>

REASON FOR OVERTIME

TOTALS

ADMINISTRATIVE	_____
AWOL	_____
CALL BACK	_____
CLASSIFICATION	_____
COURT	_____
COMPASSIONATE LEAVE	_____
EXTRA DUTY - INSIDE	_____
EXTRA DUTY - OUTSIDE	_____
FMLA	_____
GYM VACANCY	_____
HEARINGS / INVESTIGATIONS / DISCIPLINARY	_____
INVENTORY	_____
JURY DUTY	_____
LATE RELIEF	_____
LEAVE WITHOUT PAY	_____
MAILROOM / SUPPLY	_____
MEETING / UNION BUSINESS	_____
MILITARY LEAVE	_____
OUTSIDE HOSPITAL	<u>16</u>
REPORTS	_____
SHAKEDOWN	_____
SICK	_____
SUSPENSION	_____
TRAINING	_____
TRANSPORTATION:	_____
§ FUNERAL RUN	_____
§ INMATE TRANSFER	_____
§ MEDICAL RUN	_____
§ TRAVEL TIME	_____
§ OTHER	_____
UNAUTHORIZED ABSENCE	_____
VACANCY <i>Correctional Officer</i>	<u>80</u>
VACATION	_____
WEAPONS RECLASSIFICATION	_____
WORKMAN'S COMPENSATION	_____
OTHER: FIRE EQUIPMENT	_____
OTHER: ESCAPE DRILLS	_____
OTHER: EXECUTIONS	_____
OTHER: OUT OF STATE TRANSFERS	_____
OTHER: RECORDS	_____
OTHER: CODE	_____
OTHER: SPECIAL PROJECTS	_____
OTHER: CONSTRUCTION, VEST, GRIEVANCES	_____
OTHER: COMPUTER PROBLEMS	_____
OTHER: WATCH CMDR.	_____
OTHER: RESIGNATION	_____
OTHER:	_____
TOTAL HOURS REPORTED	<u>96</u>

D00441

A000265

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT CONTINUATION ROSTER
0800-1600

SUNDAY

THE NUMBER OF PERSONNEL ON DUTY THIS SHIFT WAS AS FOLLOWS:

DATE: 11/14/04

TITLE	NUMBER SCHEDULED	NUMBER PRESENT	SICK	VAC	HOL	FMLA	SWOP LWOP	MIL	OTHER
CAPTAIN	0	0							
STAFF LIEUTENANT	1	1							
LIEUTENANTS	3	1		1					1-Tenure, 1-Vacant
SERGEANTS	4	3		1					
CORPORALS	6	4							1-Res. Days off, 1-Vacant
OFFICERS	56	50	2	1				2	1-upkeep
K-9 OFFICERS	1	1							
TOTAL	71	69	2	3	0	0	0	2	5 (10 Vacancies)

COMMENTS:

Twelve O.T. positions were used to fill openings. (2-05H, 1-10 in-house)
No AECRS are on lock-down or 44H. Facility is at normal operation.

1. 8. Hammond, T. Rep. 8.0 vacancy 1. 8. Sanders, W. Rep. 8.0 vacancy 11. 8. Hamilton, L. Rep. 05H vacancy
2. 8. Sessions, J. " " " 7. 8. Cobbett, " " " 12. 8. Coughlin, S. " " "
3. 8. Crouse, M. " " " 8. 8. Neal, L. " " "
4. 8. Gougeon, D. " " " 9. 8. Johnson, D. " " "
5. 8. Stephens, J. " " " 10. 8. Evans, L. " " "

PREPARED BY:

SHIFT COMMANDER (TITLE AND SIGNATURE)

REVIEWED BY:

SECURITY SUPERINTENDENT (SIGN AND DATE)

DEPUTY WARDEN (SIGN AND DATE)

000442

A000266

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT COMMANDER'S REPORT

SHIFT COMMANDER: S/Lt. Sabato DATE: 11/14/04

DAY: Sunday TIME ASSUMED DUTY: 1520

I HAVE BRIEFED MY RELIEF: YES X NO:

RELIEVED BY: S/Lt. Lee

OFF GOING SHIFT COMMANDER: S/Lt. Sabato

ON COMING SHIFT COMMANDER: S/Lt. Lee

BEGINNING EQUIPMENT COUNT

.38 Revolvers	1	Shackles	8	Cutter	1	Gas Mask	3
Speed Loaders	2	Travel Chains	9	Capstun	1	S/C Keys	22
.38 Rounds	18	Hacksaw	1	.40 S & W	6	Gas Cards	19
Holsters	4	Crank	1	.40 Rounds	168	TBC	1502+1 OSH
Handcuffs	7	Sealed Keys	11	.40 Magazines	12	K9	Lee, J.
Black Boxes	4	Locks	4			OSP	McCreary, J.

TIME	COMMENTS
1520	S/Lt. Sabato relieves S/Lt. Polk after briefing
1600	Code Red / Formal Headcount TBC 1502+1 OSH
1605	C/O McCreary, J. OSP with 1 .38 Cal., 6 Rds. & 1 Speed Loader
	C/O Sessoms Lobby with 1 .38 Cal., & 6 Rds. & 1 Speed Loader
	C/O Lee K-9 with 1 .40 Cal., 28 Rds. & 2 Mags.
1619	Code Green
1835	1 RELEASED BAIL TBC 1501+1 OSH
2000	Code Red / Mid Shift Headcount TBC 1501+1 OSH
2022	Code Green / DACS Green
2105	Code 8 2D-Pod I/M Wilson, Julius #365665 Transferred to 1F-9 Admin. Seg.
2113	1 NEW COMMITMENT TBC 1502+1 OSH
2114	CODE 8 10-1
2300	Code Red / End of Shift Headcount TBC 1502+1 OSH
2311	Code Green / DACS Green
2315	S/Lt. Lee relieves S/Lt. Sabato after briefing

D00443

A000267

HOWARD COUNTY CORRECTIONAL INSTITUTION

DATE: 11/14/04

DAILY ROSTER: 4X12 SHIFT

DAY: SUNDAY

SHIFT CMDR: SABATO, J.	✓	SECURITY TEAM CPL: STEVENS, J.	✓	MISC:	4
SHIFT SUPV:		SECURITY TEAM: FARRINGTON, G.	✓		4
OPERATIONS LT:		SECURITY TEAM: DANIELLO, A.	✓		4
SICK CALL		SECURITY TEAM: WARREN, R.	✓		4
UNIT 27: MCCREARY, J.	✓	K-9: LEE, J.	✓		
UNIT 1					
LT:	✓	SGT B/R: DIAL, W.	✓	1A/B:	INF: WOLOSZYK, C.
SGT: DEFEQ, G.	✓	B/R: FIELDS, M.	✓	1A/B: *McAuliffe M.	INF: CARLOCK, D.
SGT:		B/R: SMITH, B.	✓	1C/D: ROGERS, R. (VHR)	DORM 4: WILLIAMS, V.
LOBBY CPL: Sessions	✓	B/R:		1C/D: Powell T. Evans	DORM 4: JOHNSON, H.
P/C DRS: NDIAYE, L.	✓	B/R:		1C/D:	
P/C BKS: BURLEY, K.	✓			1E/F: DENNY, R. (VHR)	
UNIT 12: HAMBRIGHT, J.	✓			1E/F: BRYANT, L.	1E/F: MATTHEWS, K.
UNIT 2					
LT: RYDER, R.	✓	2A/B: DAVIES, K.	✓	2E/F: SEARLES, W. (VHR)	2J/K: KLINE, J. (VHR)
SGT: WILLIAMS, G.	✓	2A/B: *MACK, B.	✓	2E/F: *POWELL, D.	2J/K: *EVANS, L.
SGT:		2C/D:		2G/H: MILLER, S.	2J/M: Tennell, Clifford
UNIT 13: JOHNSON, D.	✓	2C/D: WARMKESSEL, E.	✓	2G/H: JOHNSON, P. (VHR)	2J/M: *HACKETT, D.
UNIT 14: DUGGINS, H.	✓			F/C:	
UNIT 3					
LT: DYCH, W.	✓	2G: MCREYNOLDS, T.	✓	2V: Cammenga (VHR)	DORM 1: HOOKS, D.
SIC CPL: WALL, D. ✓ Vice TAC	✓	2R: *MATHIAS	✓	2W: ROBINSON, B.	DORM 2: JOHNSON, K.
SIC CPL: Chikawa	✓	2S: CLARK, V.	✓	2V: COUGHLAN, S.	DORM ROVER: Gaddis
SGT: KIKER, M.	✓	2T: BAKER, S.	✓	2Z: Lambert	GYM:
SGT:		UNIT 15: *Pleasant	✓	UNIT 16: APA, B.	GYM:
					UNIT 25:

A000268

Multi-Purpose Criminal Justice Facility
Daily Roster: 8x4 Shift

DATE:11-14-04

SUNDAY

[illegible]

D00445

A000269

2178 *Admiral*
SHIFT COMMANDER
1600-2400

HOWARD R. YOUNG CORRECTIONAL INSTITUTION

DUTY ROSTER
11/08/04

DAY Sunday
DATE: 11, 14, 04

[illegible]

V. H. H. H.
 SHIFT COMMANDER
 1600-2400

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
 DUTY ROSTER
 11/08/04

DAY *Monday*
 DATE: 11, 14, 04

NAME	DAY OFF																												
		S	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
OFFICERS																													
1 APA, BRADFORD	FRSA	X																											
2 BAKER, SIDNEY	MOTU																												
3 BLUE, MARK	SUMO																												
4 BRYANT, LYLE	TUWE																												
5 BURLEY, KATRINA	FRSA	X																											
6 CAMPBELL, EWONNU	SASU																												
7 CANNON, MARK	WE/TH	X																											
8 CARLOCK, DONALD	FRSA	X																											
9 CHUKUNNEYE, NNABUGWE	SASU																												
10 CLARK, VERON	WE/TH	X																											
11 COLEMAN, ALLEN OPS	SASU																												
12 COUGHLAN, STEPHEN	TUWE	X																											
13 CUSTER, ELLYN	MOTU																												
14 DANIELLO, ANGELO S/T	WE/TH	X																											
15 DAVIES, KERRY	FRSA	X																											
16 DENNY, RAHIM	TUWE	X																											
17 DIAL, WAYNE	TH/FR	X																											
18 DUGGINS, HORACE	FRSA	X																											
19 EVANS, LARRY	MOTU	X																											
20 FABRES, EDUARDO	MOTU	S																											
21 FARRINGTON, GREGORY S/T	TUWE	X																											
22 FIELDS, MICHAEL	FRSA	X																											
23 GALL, BRIAN	TH/FR	X																											
24 HACKETT, DWIGHT	TH/FR	X																											
25 HAMBRIGHT, JESSE	TH/FR	X																											
26 HOOKS, DESIREE	FRSA	X																											
27 INCE, GARY	TUWE	X																											
28 JOHNSON, COREY	SASU																												
29 JOHNSON, DAVID	FRSA	X																											
30 JOHNSON, HARRY	TUWE	X																											
31 JOHNSON, KELLI	WE/TH	X																											
32 JONES, NDIAVE, LOLITA	TH/FR	X																											
33 JORDAN, LEWIS	SASU																												
34 LAMBERT, ROBERT	WE/TH	X																											

000447

A000271

SHIFT COMMANDER 2400-0800

5/18/18

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
VHR DUTY ROSTER
10/25/04

DAY: Sunday
DATE: 11/14/04

00450

[illegible]

EQUIPMENT INVENTORY/ISSUE LOG						
	DESCRIPTION	QUANTITY	QUANTITY ISSUED	TIME OUT	TIME IN	ISSUING OFFICER
1	Black Bags	19	10			Sgt. G. DeFeo
2	HELMETS	19	10			
3	VEST	10	10			
4	PAD SETS	19	10			
5	SHIELDS	3	2			
6	PR-24	1	1			
7	BATONS	15	7			
8	GAS MASK / 1 Black Bag	4	6/1			
9	HAND CUFF (#B34521)	1	1			
10	HANDCUFF (#681777)	1	0			
11	LEG SHACKLE (#000600)	1	1			
12	LEG SHACKLE (#P19372)	1	1			
13	BAG OF FLEX CUFFS	1	1			
14	VENTILATION FAN	1	0			
15	FIRE SUIT	3	0			
PRIMARY ORT MEMBERS				FIRE TEAM		
1	Sgt. G. DeFeo			TL		
2	C/O H. DUGGETTS UNIT# 14			AIR PACK		
3	C/O D.R. JOHNSON " 13	521		FIRE HOSE		
4	C/O J. HAMBRIGHT " 12			1ST AID		
5	C/O B. APA " 16			KEYS/RY		
6	C/O A. PLEASANTON " 15					
SECONDARY ORT MEMBERS				Damage Equipment		
1	C/O B. MACK " 2A+B					
2	C/O L. EVANS " J+K					
3	C/O D. POWELL " 2E+F					
4	C/O D. HACKETT " L+M					
5	C/O R. RODGERS " 1C+D					
CALICO ORDER / GAS MASK						

D00451

A000275

H.R.Y.C.I
Q.R.T Bag Issue
Inventory

[illegible]

For the condition of the Equipment Put G for Good, Put P for Poor and B for Bad Condition in the box

000452

A000276

HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OVERTIME DUTY ROSTERDAY Monday
DATE: 11/14/04

	OFFICERS LAST NAME	OFFICERS FIRST NAME	SSN #	OT HOURS	POST
1	Rowell, I	DEVONUE	HYCII	8	1910
2	TENRELL	CLIFFORD	"	8	2414
3	BUTCHER	BARRON	"	8	CH 230F
4	McGEE	WARRIN.	"	8	CH. 230F
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

OT DUTY ROSTER

ATTACH THIS PAGE TO DUTY ROSTER.
SS# IS ONLY NECESSARY IF OFFICER DOES NOT WORK AT THIS INSTITUTION

D00453

A000277

4x12 SHIFT

BUREAU OF PRISONS
OVERTIME REPORT

BUDGET UNIT#	<u>006</u>	BUDGET UNIT NAME	<u>MPCJF</u>
PERIOD WORKED	<u>11/14/04</u>	PAYCYCLE PAID	<u></u>

REASON FOR OVERTIME	TOTALS
ADMINISTRATIVE	
AWOL	
CALL BACK	
CLASSIFICATION	
COURT	
COMPASSIONATE LEAVE	
EXTRA DUTY - INSIDE	
EXTRA DUTY - OUTSIDE	
FMLA	
GYM VACANCY	
HEARINGS / INVESTIGATIONS / DISCIPLINARY	
INVENTORY	
JURY DUTY	
LATE RELIEF	
LEAVE WITHOUT PAY	
MAILROOM / SUPPLY	
MEETING / UNION BUSINESS	
MILITARY LEAVE	
OUTSIDE HOSPITAL	2 @ 8 16
REPORTS	
SHAKEDOWN	
SICK	
SUSPENSION	
TRAINING	
TRANSPORTATION:	
• FUNERAL RUN	
• INMATE TRANSFER	
• MEDICAL RUN	
• TRAVEL TIME	
• OTHER	
UNAUTHORIZED ABSENCE	
VACANCY	2 @ 8 16
VACATION	
WEAPONS RECERTIFICATION	
WORKMAN'S COMPENSATION	
OTHER: FIRE EQUIPMENT	
OTHER: ESCAPE DRILLS	
OTHER: EXECUTIONS	
OTHER: OUT OF STATE TRANSFERS	
OTHER: RECORDS	
OTHER: CODE	
OTHER: SPECIAL PROJECTS	
OTHER: COMPUTER PROBLEMS	
OTHER: RESIGNATION	
OTHER: WATCH CMDR.	
OTHER:	
OTHER:	
TOTAL HOURS REPORTED	32

D00454

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HOWARD R. YOUNG CORRECTIONAL INSTITUTION
SHIFT CONTINUATION ROSTER
1600-2400

SUNDAY

THE NUMBER OF PERSONNEL ON DUTY THIS SHIFT WAS AS FOLLOWS:

DATE 11, 14, 04

TITLE	NUMBER SCHEDULED	NUMBER PRESENT	SICK	VAC	HOL	FMLA	SWOP LWOP	MIL	OTHER
CAPTAIN	0	0							
STAFF LIEUTENANT	1	1							
LIEUTENANTS	3	2							1-VACANT
SERGEANTS	7	2		1				1	2-VACANT / 1 TRNAS
CORPORALS	5	4							1-VACANT
OFFICERS	53	47	2	1				1	5-VACANCIES
K-9 OFFICERS	1	1							
TOTAL	70	57	2	2				2	9-VACANCIES

COMMENTS:

4 OVERTIME - 2 VACANT + 2 OSH.

PREPARED BY:

Shift Command
SHIFT COMMANDER (TITLE AND SIGNATURE)

REVIEWED BY:

Blue Williams
SECURITY SUPERINTENDENT (SIGN AND DATE)

11/15/04
DEPUTY WARDEN (SIGN AND DATE)

D00455

A000279

DEPARTMENT: CORRECTION EMPLOYEE TIME CARD Calendar Year 2004

DEPTID (DDS): 006

Employee Name: Williams, Raphael SSN: [REDACTED] Class Title: Warden IV

Accrual Rate
Sick: 10 Hours
Vacation: 15 Hours

Employment Date: December 06, 1982 Adjusted Service Date: Not Applicable

Sick Accrual (hrs per month) - 37.5 hrs: 9.5 / 40.0 hrs: 10

Vacation (hrs per month) - 37.5 hrs: 9.5, at 10 yrs: 11.25, at 15 yrs: 13.25 / 40 hrs: 10, at 10 yrs: 12, at 15 yrs: 14

ACCRUALS ARE NOT APPLIED UNTIL THE END OF THE MONTH

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
JAN	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
FEB	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T
MAR	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
APR	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T
MAY	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
JUN	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T
JUL	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
AUG	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T
SEP	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
OCT	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T
NOV	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
DEC	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T

Remarks: Perfect Attendance For 2001 - Taken - 21/12/01 * 954001
Perfect Attendance For 2002 - Taken - 12/12/02 * 954001

NOTE TO TIMEKEEPER: Provide each employee a copy of their timecard at the end of 2004. Forward the original to Human Resources.

NOTE TO EMPLOYEES: Your leave balances for 2004 are displayed here>>>
Review and note accruals at top of card. Resolve discrepancies with your timekeeper.

Leave balances at end of 2004

	HOLIDAY	SICK	VACATION
0	0	0	0

Balance Carried Forward	0	2116	296
HOLIDAY	Used in 2004	Used in 2004	Used in 2004
	0	0	0
SICK	0	0	0
VACATION	0	0	0

Check here if perfect attendance 2004

DEPARTMENT OF CORRECTION

S.B.I. #

0036/9999

INMATE

Barkes, Christine

DATE _____

REC'D

**REQUESTING
AUTHORITY**

CHARGES

DETAILED/PENDING CHARGE LOG (DC-99)

INIT'S

BATT.	AMOUNT
1	100
2	200
3	300
4	400
5	500
6	600
7	700
8	800
9	900
10	1000
11	1100
12	1200
13	1300
14	1400
15	1500
16	1600
17	1700
18	1800
19	1900
20	2000
21	2100
22	2200
23	2300
24	2400
25	2500
26	2600
27	2700
28	2800
29	2900
30	3000
31	3100
32	3200
33	3300
34	3400
35	3500
36	3600
37	3700
38	3800
39	3900
40	4000
41	4100
42	4200
43	4300
44	4400
45	4500
46	4600
47	4700
48	4800
49	4900
50	5000
51	5100
52	5200
53	5300
54	5400
55	5500
56	5600
57	5700
58	5800
59	5900
60	6000
61	6100
62	6200
63	6300
64	6400
65	6500
66	6600
67	6700
68	6800
69	6900
70	7000
71	7100
72	7200
73	7300
74	7400
75	7500
76	7600
77	7700
78	7800
79	7900
80	8000
81	8100
82	8200
83	8300
84	8400
85	8500
86	8600
87	8700
88	8800
89	8900
90	9000
91	9100
92	9200
93	9300
94	9400
95	9500
96	9600
97	9700
98	9800
99	9900
100	10000

**CASE
NO.**

DISPOSITION
& DATE

INT.

3/10/97

~~SECRET~~

Vén demandé par

for

16050

[illegible]

18 mo 85

000075

Ver. Hemiside	✓
DWI	✓
Duo wrap	✓

10,000	1,000	T
2,000		
1,000		

14425

Send it to follow

A000281



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

V.

CHRISTOPHER J BARKES

CASE NO. 9703008667

CR.A. NO. IN97041239

CHARGE: VEH.HOM. 2ND

DOB: 12/12/66

SBI: 00361999

CHARGE DISP: PLED GUILTY

SENTENCE ORDER

NOW, THIS 12TH DAY OF SEPTEMBER, 1997, IT IS THE ORDER OF THE COURT THAT:

THE DEFENDANT IS ADJUDGED GUILTY OF THE OFFENSE CHARGED.

THE DEFENDANT IS TO PAY THE COST OF PROSECUTION.

EFFECTIVE MARCH 16, 1997, THE DEFENDANT IS PLACED IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS AT SUPERVISION LEVEL 5 FOR A PERIOD OF 3 YEARS.

AFTER SERVING 1 YEAR AT SUPERVISION LEVEL 5, THIS SENTENCE IS SUSPENDED FOR 2 YEARS AT SUPERVISION LEVEL 4 - SUBSTANCE ABUSE TREATMENT PROGRAM. UPON SUCCESSFUL COMPLETION OF THE TREATMENT PROGRAM, THIS SENTENCE IS SUSPENDED FOR THE BALANCE AT SUPERVISION LEVEL 3.

THE DEFENDANT IS TO BE HELD AT SUPERVISION LEVEL 5 UNTIL SPACE IS AVAILABLE AT SUPERVISION LEVEL 4.

RECEIVED
M.P.C.J.F. RECORDS
37 OCT 28 AM 8 07

PAGE 001 OF 5

D00080

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STATE OF DELAWARE... CHRISTOPHER J BARKES
9703008667

AS TO THE CHARGE OF IN97041240, VEH.HOM. 2ND,
IT IS THE ORDER OF THE COURT THAT:

THE DEFENDANT IS ADJUDGED GUILTY OF THE OFFENSE
CHARGED.

THE DEFENDANT IS PLACED IN THE CUSTODY OF THE DEPARTMENT OF
CORRECTION AT SUPERVISION LEVEL 5 FOR A PERIOD OF 3 YEARS.

AFTER SERVING 18 MONTHS AT SUPERVISION LEVEL 5, THIS SENTENCE
IS SUSPENDED FOR 18 MONTHS AT SUPERVISION LEVEL 2.

THIS SENTENCE SHALL BE SERVED CONSECUTIVELY TO THE SENTENCE IN
CR.A. NO. IN97-04-1239.

THE NON-INCARCERATIVE PORTION OF THIS SENTENCE SHALL BE SERVED
CONSECUTIVELY TO THE NON-INCARCERATIVE PORTION OF THE SENTENCE
IMPOSED IN CR.A. NO. IN97-04-1239.

STATE OF DELAWARE CHRISTOPHER BARKES
9612002900

AS TO THE CHARGE OF IN97010130, POSS,USE,CONS.N,
IT IS THE ORDER OF THE COURT THAT:

THE DEFENDANT IS ADJUDGED GUILTY OF THE OFFENSE
CHARGED.

THE DEFENDANT IS PLACED IN THE CUSTODY OF THE DEPARTMENT OF
CORRECTION AT SUPERVISION LEVEL 5 FOR A PERIOD OF 1 YEAR.

THIS SENTENCE IS SUSPENDED FOR 1 YEAR AT SUPERVISION LEVEL 2.

THE NON-INCARCERATIVE PORTION OF THIS SENTENCE SHALL BE SERVED
CONSECUTIVELY TO THE NON-INCARCERATIVE PORTION OF THE SENTENCE
IMPOSED IN CR.A. NO. IN97-04-1240.

STATE OF DELAWARE v. CHRISTOPHER BARKES,
9703008667 9612002900

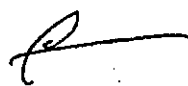
THE FOLLOWING CONDITIONS SHALL APPLY TO THIS SENTENCE, THE
DEFENDANT SHALL:

PAY FINANCIAL OBLIGATIONS DURING THE PROBATIONARY PERIOD.

BE EVALUATED FOR SUBSTANCE ABUSE AND FOLLOW ANY DIRECTIONS FOR
COUNSELING, TESTING, OR TREATMENT MADE BY THE PROBATION OFFICER.

BE EVALUATED FOR EMOTIONAL AND/OR PSYCHOLOGICAL PROBLEMS AND
FOLLOW ANY DIRECTIONS FOR TREATMENT OR COUNSELING MADE BY THE
PROBATION OFFICER.

HAVE NO CONTACT WITH THE VICTIMS' FAMILIES.



JUDGE CARL GOLDSTEIN

STATE OF DELAWARE v. CHRISTOPHER BARKES,
9703008667 9612002900

FINANCIAL OBLIGATIONS ARE IMPOSED ON THE DEFENDANT PURSUANT TO THIS
SENTENCE AS FOLLOWS:

TOTAL CDEFA-DIVERSION ORDERED	0.00
TOTAL CIVIL PENALTY ORDERED	0.00
TOTAL COSTS ORDERED	77.80
TOTAL DRUG SURCHARGE ORDERED	0.00
TOTAL FINE AMOUNT ORDERED	0.00
TOTAL FORENSIC FINE ORDERED	0.00
TOTAL SHERIFF KENT ORDERED	0.00
TOTAL SHERIFF NCC ORDERED	0.00
TOTAL PUBLIC DEF. FEE ORDERED	50.00
TOTAL RESTITUTION ORDERED	0.00
TOTAL SHERIFF SUSSEX ORDERED	0.00
TOTAL VICTIMS' COMP ORDERED	0.00
TOTAL VIDEO PHONE FEE ORDERED	0.00
 TOTAL FINANCIAL ORDER	 127.80

PC-11-04-026

Offender Status Sheet

Date: 11/13/2004

SBI #: 00361999 Name: CHRISTOPHER BARKES
 ation(s): SCN Level(s): 3,4H Race: WHITE DOB: 12/12/1966
 AKA: CHRISTOPHER J BARKES; CHRISTOPHER V BARKES; CHRISTOPHER S BARKES
 Offender Type: Officer(s): Doherty, Robin M. (14)

Statutory Days Earned:											
Start Date:	MED:	STRD:	ADJ:	PED:							
11/01/2004	04/30/2005	04/30/2005	04/30/2005								
CASE/	CRAY/	Charge Descr	Status	Levl	Start	MED	STRD	Adj Date	CR	YR	
Count	Midge	Sent. Type/Sentence Date	Exp. date	Y	M	D					
0401020740	0401020740	VIOL O/PROBATN	Current								
U1	Patricia Stewart	STANDARD	11/01/2004	11/01/2004	6	0	11/01/2004	04/30/2005	04/30/2005	04/30/2005	

Special Conditions:

CRAY	Level	Code	Condition Description	Condition Comments
0401020740	4H	CRT1	Other Conditions:	Sent. on 11/01/04, by Comm. Patricia Tate-Stewart/FCNC, for charge of VOP-0401020740: As of 11/01/04 - VOP - sent, dated 03/15/04 is revoked and def. is sent. as follow: Commitment at LV-5 for term of 1 yr. 30 days, of which 1 yr. 30 days is susp. for commitment at LV-4/HCP for 6 mos., followed by 6 mos. LV-3. LV-4, hold at 3. met

Date: 11/13/2004

WARRANT#
8787PCCC Plummer Community Corrections Center.
38 Todds Lane
WILMINGTON DE, 19802 5773
Phone No. 302-577-3039 Fax No. 302-577-2849**ADMINISTRATIVE WARRANT - Standard**

Warrant Date: 11/13/2004

SBI#: 00361999

R/S: W / M DOB: 12/12/1966

RE: Barkes, ChristopherJudge/Court: The Honorable PATRICIA STEWART / New Castle County Family Court

Charge(S) : 0401020740 - 0401020740 - VIOL O/PROBATN

The above named offender is under Level **4 HC** supervision by the Department of Correction and is alleged to be in violation of their conditions of supervision.I, Doherty, Robin M, a Probation/Parole Officer of the Department of Correction, do hereby deputize any Sheriff, Constable, or Peace Officer of the State of Delaware to arrest and detain:
Barkes, Christopher, pursuant to 11 Del. Code, 4334(b) and/or 4352(a).

Warrant Comments: Blue Warrent Blue Warrent Blue Warrent #PC-11-04-026

Mr Barks was sentenced by Commisioner P. Stewart on 11-01-04 in family court for VOP, The VOP sentence dated 03-15-04 was revoked and the defendant was ordered to serve 1 yr and 30 days at L-5 which was susp. for 6 mo at L-4 HCP, Defendant was ordered to be supervised at L-3 until space avallale at L-4. Mr Barker reported to began his supervision on 11-03-04 and Did violate the conditions of supervision.

IT IS ALLEGED THAT THE FOLLOWING CONDITION(S) OF SUPERVISION HAS (HAVE) BEEN VIOLATED:Condition # : PGMV Other Program ViolationAs to condition #1 You will not commit a new criminal or motor vehicle offense while under supervision.
To Wit .. On 11-13-04 offender Barker was arrested by Officer McLoughlin of WPD and charged with loitering for the purpose of purchasing drugs, He was also charged with driving while revoked.A VOP HAS BEEN SUBMITTED REQUESTING A CAPIAS BE ISSUED . (Circle One) YES NO
Administrative Warrant must be faxed to the sentencing judge and the Pre-Sentence office upon arrest.SIGNED: [Signature]DATE: 11-13-04

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Original

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HEALTH CARE SERVICES CONTRACT

2002 JUN 21 PM 2 04

BUSINESS OFFICE This Agreement is made this 17th day of June 2002, by and between First Correctional Medical-Delaware, L.L.C. ("FCM") and the State of Delaware, Department of Correction ("DOC").

RECITALS

WHEREAS, the DOC desires to purchase the health care services offered by FCM to serve the needs of the State of Delaware and the State's inmate population; and

WHEREAS, the State has asked prospective vendors to submit proposals for contract No. 2828; and

WHEREAS, FCM's sole member (First Correctional Medical, Inc.) submitted a proposal to provide the aforementioned health care services to the DOC and its proposal was accepted by the DOC; and

WHEREAS, on Wednesday May 29, 2002, the DOC and FCM's sole member entered into final negotiations with the express intent to execute a contract for the provision of health services to Delaware's incarcerated population; and

NOW THEREFORE, in consideration for the mutual promises contained herein, the parties enter into this Agreement and its related documents to govern their relationship and hereby revoke any previous agreement between the parties. All references in said documents to "FCM" or "First Correctional Medical, Inc." or "First Correctional Medical" shall be deemed a reference to FCM as if FCM made the proposal and agreements set forth in or under such documents and was the successful bidder. The Terms and Conditions of this Agreement are contained within this DOC/FCM health care services contract which shall include by this reference the Request for Proposal, FCM's Proposal and the FCM Question and Response Memorandum dated May 21, 2002; and

NOW THEREFORE, the DOC and FCM mutually agree as follows:

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1. This agreement is contingent upon funding being appropriated by the State of Delaware for each year of this contract. Funding is appropriated for medical services through the annual State Budget Act.
2. The DOC and FCM agree on an annual base price of \$17,735,904.00 for the 1st two years of the contract. FCM shall submit to DOC an invoice on or about the 15th and last day of each month during the term of this contract commencing on July 15th of each fiscal year. Each invoice shall be for one twenty-fourth of the annual base price due hereunder for each year of this contract. DOC shall pay each invoice within 5 days of receipt. The amount of said monthly payment shall change in the event of any mutually agreed to change in the annual base price for any year that this contract remains in effect or as otherwise provided under the contract documents including any schedules which are a part thereof or which are attached hereto (which shall be deemed a part hereof).

Additional modifications to the DOC Request and FCM's Proposal:

- A. The Sex Offender Unit has been deleted.
 - B. Three Transition Units and a Structured Care Unit currently are in operation. The Transition Units are at Plummer Community Correctional Center, Multi-Purpose Criminal Justice Facility and Baylor Women's Correctional Institution. The Structured Care Unit is at Sussex Correctional Institution.
 - C. Subject to the terms hereof and the documents referred to herein, the required Vendor services include but are not limited to basic medical services, mental health services, dental services, continuous suicide watch, the transition units, structured care programs, specialized women's services, and services to DOC staff. A complete itemization of services is in the DOC's RFP, as limited by FCM's Proposal.
3. The DOC accepts the variable rate per inmate proposed per year by FCM for times when the count is over the 6700-offender base as shown on the attached schedules which are made a part hereof. After each month, FCM and DOC shall

agree to a reconciliation of the number of inmates for the prior month (over a base of 6700). Any additional payment (based on the attached schedule) due FCM as a result of any number of inmates over the base amount shall be paid to FCM with the next payment due hereunder.

4. Annual increases will be in accordance with the revised Cost Summary Sheet presented in FCM's proposal reflecting the new base of \$17,735,904.00 and the other terms and provisions hereof.
5. FCM and the DOC agree to modify the RFP and Proposal as follows:
 - A. To the extent ACA Health Care Standards and NCCHC Standards differ, FCM will adhere to the higher standard;
 - B. To the extent that community standards for mental health care are unclear or not specific, FCM will be required to implement "Best Practices" from State Correctional Systems, which shall be deemed to be the average national level of such services.
 - C. Clarify language in the FCM proposal to read:
 - a) Pg. 26, paragraph 1, last sentence. Be it known that the DOC does not authorize the transfer of inmates to a detoxification facility.
 - b) Pg. 60, "Response to trauma incidents", second paragraph, last sentence should read: "These reports will be provided to the warden or designee, and others as appropriate in the corrections chain of command prior to the end of shift in which the incident occurred."
 - D. Contract provides for a capitated rate for health care services. Fee structure is established by the base rate (as adjusted) plus per diem rate for inmate population over 6700. Structural changes and/or additions to institutions will not result in a renegotiated rate for service.

- E. The parties acknowledge that DOC shall pay for any equipment and services (including software and the charges for installation and training relating thereto) which are necessary, required or requested by FCM under the operation of this contract which individually exceeds \$500.00 per individual item. All equipment, supplies and facilities currently in place at or located within the facilities at which the services shall be provided shall be made available to FCM at no cost to or credit against FCM in connection with the performance of its services hereunder. In addition, DOC shall provide at its cost and expense all maintenance services required or requested by FCM in connection with any equipment or any part of the facilities.
- F. Out of the first two payments due FCM hereunder, DOC shall retain a total sum of \$500,000.00 (\$250,000.00 in each of the first two payments) to insure the observance and performance of all of the covenants, terms, conditions and undertakings herein contained to be performed or observed by FCM. Said security deposit or the balance thereof shall be returned to FCM not more than thirty (30) days following the termination or expiration of this contract provided that FCM has materially performed and observed all of said covenants, terms, conditions and undertakings herein. No other bond, guaranty or other deposit, security or assurance shall be due, required or owed by FCM.
- G. Any financial reporting obligations shall be limited to FCM.
- H. In no event shall staffing levels constitute a breach or default by FCM hereunder.
- I. In the event that FCM does not receive payment on or before the 30 day following the receipt of an invoice by the DOC, the amount due on the invoice shall bear interest at an annual rate of 12.00% (or the maximum rate allowed by law, whichever is lower) until said payment is made in full.

6. The DOC is purchasing Professional Health Services. Performance is the essence of this contract. To the extent, negotiations involved a discussion of staffing patterns; those discussions were intended to ensure FCM fully understood the scope of the contract.

7. Appropriation

Funds authorized for use under the contract are obligated within the budget period (fiscal years July 1- June 30) of which they are awarded. Contracts and purchase orders must be issued on or before the expiration date of the budget period or the funds will no longer be available for use by the vendor. If funds are not appropriated at the amounts established by this contract each party shall have the right, to be exercised with not less than 60 days prior notice to the other, to terminate this contract and all payment and service obligations hereunder and relating hereto. However, said termination right may only be exercised with an effective date of the last day of the last month of a fiscal year of the term of this contract. At no time will the level of services go below those specified by the NCCHC Prison Standards.

8. DEPARTMENT INDEMNIFICATION

The FCM will hold harmless, indemnify, and defend the DOC, the State of Delaware and their agents, employees, or officers of the State of Delaware from any and all suits, actions, losses, liability, damages (including punitive damages), expenses, reasonable attorney fees (including salaries of attorneys regularly employed by the State of Delaware), judgments, or settlements incurred by the DOC, the State of Delaware or their agents, employees, or officers arising out of the negligent provision of health care services by FCM, its employees, or subcontractors under the contract, including direct or indirect negligence or intentional acts of omission or commission, and professional malpractice regardless of any negligence or any intentional acts of omissions or commission by employees or officials of the DOC.

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9. APPLICABLE LAW/GOVERNING LAW/ CHOICE OF LAW

The laws of the State of Delaware shall apply, except where Federal Law has precedence. FCM consents to jurisdiction and venue in the State of Delaware. The DOC shall enter a Purchase Order on or before June 30, 2002. The Purchase Order must be approved on July 8, 2002 or this contract shall be null and void and of no force or effect. FCM must possess an active Delaware Business License as issued by the Department of Finance through its Division of Revenue. FCM must remain in good financial standing with the State of Delaware.

If any provision of this contract is held by a court of competent jurisdiction to be contrary to law, the remaining provisions of this contract will remain in full force and effect.

FCM's sole member shall have no right, title, obligation or liability hereunder or under any document referred to herein unless hereafter expressly accepted and agreed to thereby.

10. TERMS AND RENEWAL OPTIONS

Subject to the other terms and provisions hereof, the initial term ("Initial Term") of this contract shall be for a period of 6 years commencing July 1, 2002 ("the Commencement Date") and expiring (unless renewed) on June 30, 2008. This contract is renewable by the DOC for two (2) additional periods of two (2) years each ("the Extended Term"), according to the terms of the RFP.

If DOC defaults hereunder, FCM may, at its discretion, terminate this contract upon not less than thirty days written prior notice.

11. CONFLICT RESOLUTION

The contract documents shall consist of this contract, the Request for Proposal, the FCM Proposal, and the FCM Question and Response Memorandum dated May 21, 2002, as well as all cost and other updates relating thereto and the schedules, grids and other attachments attached hereto which are hereby made a part hereof. In the event of any conflict between the contract documents, the contract documents

will be interpreted in the following order and the lower number below shall govern and control:

1. This Contract and the summary sheet, pricing grid, and the other schedules, grids and attachments hereto.
2. FCM's response to DOC written questions dated 5/21/2002 (the FCM Question and Response Memorandum dated May 21, 2002)
3. Request for Proposals (including any amendments and updates and other questions and answers)
4. FCM Proposal and any updates relating thereto

STATE OF DELAWARE
DEPARTMENT OF CORRECTION

BY: 

TITLE: Commissioner

DATE: 6/17/02

FIRST CORRECTIONAL MEDICAL
DELAWARE, L.L.C.

BY: 

TITLE: President

DATE: 6/17/02

ADDENDUM TO HEALTH CARE SERVICES CONTRACT #2828

**TO ESTABLISH A PROCEDURE FOR REIMBURSEMENT OF PAYMENT TO
THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES (DHSS) FOR
MEDICAID ELIGIBLE INCARCERATED PERSONS**

In accordance with the agreement between DHSS and FCM, incarcerated persons under the custody of the Delaware Department of Corrections (DOC) who incur inpatient hospital stays greater than 24 hours, in an acute care hospital with a Delaware Medicaid provider agreement, shall be considered for Medicaid.

It is agreed that the DOC will reimburse DHSS for 100% of the Medicaid per discharge and outlier payments and ancillary payments made for incarcerated persons. FCM understands that DOC will then recover 100% of the Medicaid discharge and outlier and ancillary payments by reducing payments DOC makes to FCM. All payments will be made in accordance with the payment schedule defined in the contract agreement #2828.

State of Delaware
Department of Correction

By: 

Title: Commissioner

Date: 9/5/03

First Correctional Medical
Delaware, L.L.C.

By: 

Title: President

Date: 9/18/03

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